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THE
ACTS AND RESOLVES,
PUBLIC AND PRIVATE,
OF THE
PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT
OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME XVI.,
BEING VOLUME XI. OF THE APPENDIX.
CONTAINING
RESOLVES, ETC., 1757-1760.

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RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1757-58.

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LEGISLATIVE LIST

FOR

1757-58.

ACTION BY MAJOR PART OF THE COUNCIL [*until August 3, 1757*].

HIS EXCELLENCY THOMAS POWNALL [*from August 3, 1757*],
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

JOHN OSBORNE	}	ESQRS.	JOSEPH PYNCHON	}	ESQRS.
FRANCIS FOXCROFT			THOMAS HUTCHINSON		
JACOB WENDELL			STEPHEN SEWALL		
BENJAMIN LYNDE			ISAAC ROYALL		
SAMUEL DANFORTH			ELEAZER PORTER		
SAMUEL WATTS			JOHN ERVING		
JOHN CHANDLER			BENJAMIN PICKMAN		
EZEKIEL CHEEVER			ROBERT HOOPER		
ANDREW OLIVER			JAMES BOWDOIN		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING	}	ESQRS.	SYLVANUS BOURN	}	ESQRS.
GEORGE LEONARD			GAMALIEL BRADFORD		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

SIR WILLIAM PEPPERRELL, BARONET, JOHN HILL & RICHARD CUTT, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;

WILLIAM BRATTLE, Esq.

¹ See Legislative Records of the Council, xxii., 1-5.

For the Province, at large:—

JAMES MINOT & BENJAMIN LINCOLN, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 25, 1757 to April 29, 1758.

MR. THOMAS HUBBARD, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . . Thomas Hubbard, Esq.,
 Mr. John Tyng,
 Thomas Flucker, Esq.,
 Benjamin Prat, Esq.
Roxbury, . . . Joseph Williams, Esq.
Dorchester, . . . Mr. Samuel How.
Milton, . . . Mr. Jazaniah Tucker.
Braintree, . . . Josiah Quincy, Esq.
Weymouth, . . . Mr. James Humphrey.
Hingham, . . . Jacob Cushing, Esq.
Dedham, . . . Capt. Nathaniel Sumner.
Medfield, . . . Capt. Peter Coolidge.
Stoughton, . . . Mr. Richard Bailey.
Brookline, . . . Jeremy Gridley, Esq.
Wrentham, . . . Mr. Eliphalet Whiting.
Chelsea, . . . Thomas Goldthwait, Esq.

COUNTY OF ESSEX.

Salem and { John Turner, Esq.,
Danvers, { Daniel Epes, Esq.
Ipswich, . . . Mr. Daniel Staniford.¹
Newbury, . . . Joseph Gerrish, Esq.,
 Michael Dalton, Esq.
Lynn, . . . William Collins, Esq.
Marblehead, . . . Jacob Fowle, Esq.
Andover, . . . John Osgood, Esq.
Beverly, . . . Robert Hale, Esq.
Rowley, . . . Mr. Thomas Lancaster.
Salisbury, . . . Caleb Cushing, Esq.
Haverhill, . . . Mr. David Marsh.
Glocester, . . . William Stevens, Esq.
Bradford, . . . Capt. Benjamin Milliken.
Boxford, . . . Mr. Thomas Perley.
Almsbury, . . . Isaac Merrill, Esq.
Topsfield, . . . Mr. John Gould.

COUNTY OF MIDDLESEX.

Cambridge, . . . Andrew Boardman, Esq.
Charlestown, . . . James Russell, Esq.

COUNTY OF MIDDLESEX — *Concluded.*

Watertown, . . . John Hunt, Esq.
Woburn, . . . Josiah Johnson, Esq.
Reading, . . . Ebenezer Nichols, Esq.
Concord & { Capt. James Barrett.
Carlisle, {
Newton, . . . Thomas Greenwood,
 Esq.
Sudbury, . . . John Noyes, Esq.
Marlborough, . . . Mr. Samuel Witt.
Groton, Shirley { William Lawrence, Esq.
& Pepperrell, {
Billerica, . . . Mr. William Stickney.
Frammingham, . . . Joseph Buckminster,
 Esq.
Lexington, . . . Benjamin Reed, Esq.
Weston, . . . Elisha Jones, Esq.
Chelmsford, . . . Capt. Ephraim Spaulding.
Malden, . . . Mr. Benjamin Hills.
Medford, . . . Stephen Hall, Esq.
Waltham, . . . Samuel Livermore, Esq.
Stow, . . . Mr. Henry Gardner.
Lincoln, . . . Chambers Russell, Esq.

COUNTY OF HAMPSHIRE.

Springfield, . . . John Worthington, Esq.
Northampton & { Mr. Gideon Lyman.
Southampton, {
Hadley and { Mr. Josiah Peirce.
South Hadley, {
Hatfield, . . . Israel Williams, Esq.
Deerfield and { Elijah Williams, Esq.
Greenfield, {
Westfield, . . . Mr. Matthew Noble.
Sunderland,² {
Montague & { Mr. Fellows Billing.
New Salem, {
Brimfield, . . . Mr. Samuel King.
Sheffield, . . . Capt. Ithamar Hubbel.

¹ Mr. Daniel Staniford died and John Choate, Esq^r, was chosen to fill the vacancy. See House Journal, pp. 86, 137, 138.

² Mr. Josiah Pierce was chosen representative for the town of Sunderland June 16, 1757. See House Journal, p. 77.

COUNTY OF WORCESTER.

Worcester, . . . Timothy Paine, Esq.
Lancaster, . . . Mr. David Wilder.
Leicester & Spencer, } Capt. John Brown.
Brookfield, . . . Capt. Jabez Upham.
Lunenburg, . . . Capt. Joshua Hutchins.
Oxford, and Charleton, } Duncan Campbell, Esq.
Rutland and Ruland District, } John Murray, Esq.
Sutton, . . . Capt. Henry King.
Shrewsbury, . . . Artemas Ward, Esq.
Sturbridge, . . . Moses Marcy, Esq.
Dudley, . . . Thomas Cheney, Esq.
Hardwick, . . . Timothy Ruggles, Esq.

COUNTY OF PLYMOUTH.

Plymouth, . . . Thomas Foster, Esq.
Scituate, . . . Joseph Cushing, Esq.
Marshfield, . . . John Winslow, Esq.
Duxbury, . . . Gamaliel Bradford, Esq.
Bridgewater, . . . Daniel Howard, Esq.
Middleboro', . . . Capt. Nathaniel Smith.
Rochester, . . . Capt. Noah Sprague.
Plimpton, . . . Mr. Isaac Bonney.
Pembroke, . . . Mr. Josiah Keen.
Kingston, . . . Mr. John Brewster.

COUNTY OF BARNSTABLE.

Barnstable, . . . Mr. Edward Bacon.
Sandwich, . . . Mr. Thomas Smith.

COUNTY OF BARNSTABLE — *Concluded.*

Eastham, . . . Mr. Jonathan Doane.
Yarmouth, . . . Mr. Thomas Hows, 3^{ter}.
Harwich, . . . Nathaniel Stone, Esq.
Falmouth, . . . Capt. Joseph Robinson.

COUNTY OF BRISTOL.

Taunton, . . . Samuel White, Esq.
Rehoboth, . . . Capt. Timothy Walker.
Swansey, . . . Mr. John Anthony.
Dartmouth, . . . Mr. Benjamin Aken.
Norton, . . . Mr. Thomas Morey.
Attleborough, . . . Mr. Josiah Maxey.
Dighton, . . . Mr. Ebenezer Stetson.

COUNTY OF YORK.

York, . . . John Bradbury, Esq.
Kittery, . . . Nathaniel Sparhawk, Esq.
Wells, . . . Joseph Sayer, Esq.
Berwick, . . . Mr. Benjamin Chadbourne.
Scarborough, . . . Edward Milliken, Esq.
Falmouth, . . . Samuel Waldo, Jr., Esq.
Biddeford, . . . Mr. Samuel Jordan.

DUKES COUNTY.

Edgartown, . . . John Norton, Esq.

FOR THE COUNTY OF NANTUCKET.

Sherburne, . . . Abishai Folger, Esq.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1757.

CHAPTER 1.

ORDER OF NOTICE ON THE PETITION OF JONATHAN STONE & OTHERS
TO BE SET OFF FROM LEICESTER TO WORCESTER.

A PETITION of Jonathan Stone of Worcester, James Hart Thomas Beard and James Wallis, all of Leicester, Setting forth that the Line between Leicester and Worcester divides the petitioner Stones Farm leaving only his House and about Ten Acres of Land in Worcester; that the other petitioners Farms lye wholly in Leicester, that they live Six Miles from the place of publick Worship in Leicester and are obliged to ride three Miles and an half through Worcester to go to it, that by reason of their Situation they have no benefit of the School in Leicester, although they pay towards its support; and that they live but about four Miles and an half from the Meeting house at Worcester with a good Countrey Road leading to it Therefore praying that they with their Estates may be set off to the Town of Worcester.

Read &

Ordered, that the petitioner notify the Town of Leicester of this petition by leaving an Attested Copy thereof with the Clerk of said Town that they shew cause (if any they have) on the first Friday of the next Sitting of this Court, why the prayer thereof should not be granted.¹ [*Passed May 27.*]

Legislative
Records of the
Council,
xxii., 8.

House Jour-
nal, p. 10.
Province
Laws, v., 854,
note.

CHAPTER 2.

ORDER APPOINTING A COMMITTEE ON THE MEMORIAL OF THO^s HUTCHINSON, ESQ^r, IN REGARD TO LANDS MORTGAGED TO COMMISSIONERS OF £100,000 LOAN.

A MEMORIAL of Thomas Hutchinson Esq^r in behalf of the Commissioners for finishing the hundred thousand pounds Loan Setting forth That in the year, 1724. the then Commissioners recovered Judgment against one Lemuel Little for £236.0.6 debt & costs, or otherwise possession of certain Lands, Mortgaged as a Security for payment thereof, that the Money not being paid, possession was taken, and in the year. 1742. said Lands were Sold for £501.

Legislative
Records of the
Council,
xxii., 8. Mass.
Archives, ciii.,
553.

Mass.
Archives, ciii.,
552. House
Journal, p. 372.

¹ At the hearing, August 19, 1757, Legislative Records of the Council, xxii., 71, this petition was dismissed.

(February 25,
1757); p. 15.
Province
Laws, ii., 61,
chap. 18.

That one Joseph Jenkins and Abigail his Wife afterwards petitioned The Court in the Capacity of Executors to Lemuel Little, that upon the payment of the principal Sum and Interest until the Equity of Redemption expired, the Overplus of the Sale might belong and be returned to the petitioner which was granted; That Isaac Little of Pembroke Esq^r was and is the Assignee or Representative of said Jenkins and by means thereof the sum of £225 or thereabouts became due to the said Little. That the said Isaac Little likewise purchased the right of Redemption of certain Lands Mortgaged by one John Rogers of pembroke for £53 and the Interest due on said mortgage to the year, 1742. when said Lands of Lemuel Little were Sold and the above Ballance became due to Isaac Little is £45.3.6 & Charge of taking possession £3. which added to £53 makes £101.3.6 so that a Ballance will even in case the Lands be assigned to said Little still remain due. That the said Lands of John Rogers were taken possession of for the province, but that said Isaac Little had been suffered to improve them ever since Therefore praying that if it be thought proper he may Assign said Lands of John Rogers to said Isaac Little, and that the sum that will then become due may be paid out of the publick Treasury, the Commissioners having paid the full ballance of their Accounts into the Treasury, and it being uncertain whether more Monies will ever be received.

In the House of Represent^s

Read and

Ordered, That Judge Russell, M^r Flucker & Col^o Williams, with Such as the Hon^{le} Board shall join, be a Committee to take this Memorial under Consideration and Report what they judge proper for this Court to do thereon

In Council Read and Concur'd and Benjamin Lynde and John Cushing Esq^{ts} are joined in the affair. [*Passed May 28.*]

CHAPTER 3.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF WORCESTER AND ALLOWING £2.1.6 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council,
xxii., 9.

House Jour-
nal, p. 16.
Province
Laws, xv., 661,
chap. 330.

THE COMMITTEE appointed to farm the Duties of Excise on Spirituous Liquors within the County of Worcester for one year commencing 26 March last, reported, That they had contracted with Capt. Edward Harrington of Watertown, he being the highest bidder for the same, for the sum of three hundred and eighty nine pounds And likewise presented their Account of Expende Amounting to £2.1.6.

Read and Accepted, and

Ordered that there be Allowed and paid out of the publick Treasury to the said Committee the sum of Two pounds One shilling & Six pence in discharge of their account of time and Expences exhibited. [*Passed May 28.*]

CHAPTER 4.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF YORK, AND ALLOWING £2. 19. 5 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm the duties of Excise on Spirituous Liquors in the County of York for one year, commencing 26 March last Reported, that they had Sold the same to Capt. Ichabod Goodwin of Berwick for the sum of Two hundred and ten pounds six shillings And likewise presented their Account of Expence Amounting to Two pounds Nineteen shillings & five pence.

Legislative
Records of the
Council,
xxii., 10.

House Jour-
nal, p. 15.
Province
Laws, xv., 662,
chap. 334.

Read and Accepted and

Ordered that there be allowed and paid out of the publick Treasury to the Said Committee the sum of Two pounds Nineteen shillings and five pence in discharge of their Account of time & Expences exhibited. [*Passed May 28.*]

CHAPTER 5.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF BRISTOL, AND ALLOWING £2. 4. 1 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm the duties of Excise on Spirituous Liquors in the County of Bristol for one year, commencing 26 March last Reported that they had Sold the same to Capt. Thomas Cobb of Taunton for the sum of One hundred and Eighty three pounds And likewise presented their Account of Expence Amounting to two pounds fourteen shillings and one penny.

Legislative
Records of the
Council, xxii.,
10.

House Jour-
nal, p. 15.
Province
Laws, xv., 662,
chap. 333.

Read and Accepted and

Ordered that there be allowed and paid out of the publick Treasury to the Said Committee, the sum of two pounds four shillings & one penny in discharge of their Account of time & expences exhibited. [*Passed May 28.*]

CHAPTER 6.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £3. 8. 5 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the duties of Excise on Spirituous Liquors in the County of Plymouth for one year, commencing 26 March last Reported that they had Sold the same to James Warren jun^r Esq^r for the sum of Four hundred forty five pounds six shillings and eight pence And also presented their Account of Expence Amounting to Three pounds eight shillings and five pence.

Legislative
Records of the
Council, xxii.,
10.

House Jour-
nal, p. 15.
Province
Laws, xv., 662,
chap. 331.

Read and Accepted and

Ordered that there be allowed and paid out of the publick Treas-

ury to the said Committee the sum of Three pounds eight shillings and five pence in full discharge of their Account of time & expences exhibited. [*Passed May 28.*]

CHAPTER 7.

ORDER OF NOTICE ON THE PETITION OF DAVID HARWOOD TO BE ANNEXED TO THE TOWN OF SUTTON.

Legislative
Records of the
Council, xxii.,
10. Mass.
Archives, cv.,
560.

Mass.
Archives, cv.,
559. House
Journal, p. 12.

A PETITION of David Harwood shewing that he is possessed of a Farm that was Countrey Land granted and sold by the General Court, containing about Ninety Acres, lying on the Southerly part of Sutton, which Farm has never yet been Annexed To any Town And praying that the same may be Added to the Township of Sutton.

Read and

Ordered that the Petitioner notify the Town of Sutton of this Petition by leaving an attested Copy thereof with the Clerk of said Town, that they shew Cause (if any they have) on the second Friday of the next Sitting of this Court, why the Prayer thereof should not be granted. [*Passed May 28.*]

CHAPTER 8.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxii.,
11.

House Jour-
nal, pp. 13, 17.

THE ACCOUNT of Gardner Chandler Treasurer of the County of Worcester being presented to the Court for their Allowance. Read and

Ordered that this Account be allowed, and that the said Treasurer be further Accountable to the said County for the ballance thereof, being One hundred and forty one pounds one shilling & five pence, as also for the Taxes laid on the Town of Woodstock for the years, 1748, 1749. 1750. 1751. 1752. 1753. 1754. 1755. & 1756. when he shall receive the same. [*Passed May 28.*]

CHAPTER 9.

ORDER ALLOWING THE ACCOUNT OF TRUSTEES OF HASSANIMISCO OR GRAFTON INDIANS.

Legislative
Records of the
Council, xxii.,
11. Mass.
Archives,
xxxii., 721.

Mass.
Archives,
xxxii., 720.
House Jour-
nal, pp. 12, 16.
Province
Laws, xlii., 326,
chap. 227.

THE ACCOUNT of John Chandler Esq^r & others, Trustees for the Hassanamisco or Grafton Indians, being presented to the Court for their Allowance, in which Account they charge themselves with 18/1¾ ballance of their last Account, and with £34.18.2 Interest of the principal Sum under their Improvement, and discharge themselves of the same by their Account of Disbursments, save a ballance of 5/7¾ remaining in their hands.

Read and

Ordered That this Account be allowed, and that the Ballance

thereof being five Shillings & seven pence three farthings the said Trustees be further Accountable to y^e said Indians for. [*Passed May 28.*]

CHAPTER 10.

VOTE SUSPENDING WORK ON BUILDING A BATTERY AT PROVINCE TOWN AND EXEMPTING THE INHABITANTS THEREOF FROM IMPRESSMENT.

WHEREAS an Order pass'd the General Court in their Sessions in April last appointing Joshua Atkins & others a Committee to erect a small Battery in said Province Town near the Harbour of Cape Cod of six Carriage Guns and that the Cap^t General be desired to deliver Cannon Powder & Ball to said Committee for said Battery, & that the Sum of One hundred and fifty Pounds be paid out of the publick Treasury to said Committee to build said Battery &c^a

Voted that said Order be so far suspended as that Orders be given to said Atkins and others to forbear building said Battery, or doing any thing preparatory to said Work, till the further Order of this Court.

And that the Inhabitants of Province Town only be freed from Impress during the present War any thing in the aforesaid Vote of the Court to the contrary notwithstanding. [*Passed May 30.*]

Legislative
Records of the
Council, xxii.,
12. Mass.
Archives,
lxxvii., 71.

House Jour-
nal, pp. 17, 20,
21. Province
Laws, xv., 702,
chap. 435.

CHAPTER 11.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO SAMUEL SMITH.

A PETITION of Samuel Smith of Worcester, a Soldier in the late Crown point Expedition setting forth that in his return home, he returned his Arms to a Storekeeper at the Half Moon, notwithstanding which there was a Stoppage made from his Wages of Four pounds for said Arms, And praying that said Stoppage may be taken off, and the Treasurer directed to pay him the said Four pounds.

Read and

Ordered, That the Treasurer be & hereby is directed to pay to the Petitioner four pounds being the sum stopped out of the Wages due to him on the last Crown point Expedition On Acc^o of his Arms not being returned. [*Passed May 30.*]

Legislative
Records of the
Council, xxii.,
12. Mass.
Archives,
lxxvii., 55.

Mass.
Archives,
lxxvii., 54.
House Jour-
nal, pp. 13, 20.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 12.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO SQUIER WHEELER.

A PETITION of Squier Wheeler setting forth that he was a Soldier in the late Crown point Expedition and received a Gun out of the province Store; that he was afterwards made a Drummer and his Gun was delivered to Emanuel Clark and afterwards into the Store at Fort Edward, notwithstanding which there was a stoppage made of part of his Wages on Account of said Gun; and praying for Relief.

Legislative
Records of the
Council, xxii.,
13. Mass.
Archives,
lxxvii., 90.

House Jour-
nal, pp. 20, 21.
Province
Laws, xv., 695,
chap. 416.

Read and

Ordered, That the Treasurer be and hereby is directed to pay to the Petitioner four pounds being y^e sum Stopped out of the Wages due to him on the last Crown point Expedition, on Acco^t of his Arms not being returned. [*Passed May 31.*]

CHAPTER 13.

ORDER THAT NO BOND SHALL BE REQUIRED AT THE IMPOST OFFICE WHEN GIVEN AT THE CUSTOM HOUSE.

Legislative
Records of the
Council, xxii.,
13. Mass.
Archives, lxx.,
363.

House Jour-
nal, p. 24.
Province
Laws, iii., 1027,
chap. 25; 1082,
note.

WHEREAS in and by an Act Intituled an Act for preventing the Exportation of Provisions & Warlike Stores, it is among other things Provided, that it shall be lawfull for the master of any ship or Vessell or the owner or Factor to Transport any sort of Provisions or Warlike stores to any of his Majesty's Colonies or Plantations in N^o America or Fish in bulk to some place in Europe in Amity wth his Majesty first Giving bond to the Impost Officer in the sum mentioned in s^d Act to carry such Provisions & Stores to the Port for W^{ch} they were designed and Whereas by an Order from the Hon^{bl} the Comissioners of his Maj^{ty's} Customs the several Collectors in the respective Ports are Enjoyn'd to take bonds for the same purpose of all masters who load any provisions or warlike stores, Whereby the Giving bond at the Impost Office is become Unesscessary¹

Wherefore

Ordered that when it shall Appear to the Impost Officer or his Deputies, That a bond has been given at the Custom house for the Purposes afores^d That then & in such case no bond, shall be required at the Impost office of any Master owner or Freighter loading as afores^d. [*Passed May 31.*]

CHAPTER 14.

Legislative
Records of the
Council, xxii.,
14. Mass.
Archives, lxx.,
368.

Legislative
Records of the
Council, xxi.,
464. House
Journal, p. 21.
Province
Laws, iii., 989,
chap. 12; 1065,
note.

VOTE ADVANCING ONE MONTHS PAY TO THE OFFICERS OF THE PROVINCE SHIP AND SNOW.

Voted, That the Treasurer be, and hereby is, directed to pay one month's Advance Wages to each of the officers belonging to the Province Ship and Snow lately built & equipped by this Government to guard the Coast. [*Passed June 1.*]

CHAPTER 15.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 AND A FURTHER SUM OF 12/ TO JOHN FORBUSH.

Legislative
Records of the
Council, xxii.,
14. Mass.
Archives,
lxxxvii., 72.

A PETITION of John Forbush Setting forth that he was a Soldier in the last Crown point Expedition and carried his own Gun, but being charged with one of the province Guns he cannot receive his Wages, until that Mistake be rectified Therefore praying Relief;

Read and

Ordered, That the Treasurer be and hereby is directed to pay to the Petitioner four pounds the sum stopped out of the wages due to him on the last Crⁿ p^t Expedⁿ on Acc^o of his Arms not being returned, Also the further sum of twelve shillings for the use of his Gun w^{ch} he carried with him into said service. [*Passed June 1.*]

House Journal, p. 27.
Province Laws, xv., 513, chap. 459;
695, chap. 416.

CHAPTER 16.

RESOLVE AND VOTE GRANTING BOUNTY TO PERSONS KILLING, CAPTURING AND SCALPING INDIANS.

Resolved that there be allowed and paid out of the Publick Treasury to any Number of the Inhabitants of this Province not in the pay of the Government who shall be disposed to go in quest of the Indian Enemy, and shall before they go signify in Writing to some Military Officer (not below the degree of a Captain) in that part of the Province from which they shall go, their Intentions with their Names, the following Bounty Viz^t For every Indian Enemy they shall kill and produce the Scalp to the Governour & Council in evidence, the Sum of Three hundred Pounds;

Legislative Records of the Council, xxii., 15. Mass. Archives, lxxvii., 94.

Mass. Archives, xxxviii., 300. House Journal, pp. 17, 18. Province Laws, xv., 552, chap. 57.

For every Indian Enemy they shall Captivate & deliver to the Governour & Council, the sum of Three hundred & twenty Pounds.

And that the Chief Officer of such Party keep a Journal of his proceedings during his March & return the same into the Secretary's Office.

Also

Voted that there be allowed and paid out of the Publick Treasury to every private Person being an Inhabitant of this Province or Soldier in the pay of this Government on the Eastern or Western Frontiers of this Province who shall captivate any of the Indian Enemy, anywhere between the Province of New York & Nova Scotia, & deliver such Captive to the Governour & Council, the Sum of Fifty Pounds for each Captive

And to every Inhabitant or Soldier in pay of the Government who shall kill any of the Indian Enemy, within the Limits aforesaid, & produce the Scalp to the Governour & Council in Evidence, the Sum of Forty Pounds for each Scalp.

The foregoing Encouragement for Captives & Scalps to be allowed, for the space of one Year, from the 10th of June next & no longer. [*Passed June 1.*]

CHAPTER 17.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 EACH TO MERCY PIXLEY, OLIVER WATSON AND LAURENCE LYNCH.

A PETITION of Mercy Pixley Widow of John Pixley deced Oliver Watson and Laurence Lynch, setting forth that the said John, Oliver and Laurence were in his Majesty's Service in the last Crown point Expedition, and lodged their Arms at Sheffield when the Service was over, which were afterwards received into Custody by John Foye Esq^r in behalf and by order of the Government Therefore praying that they may be respectively enabled to receive the sum of Four pounds each, which has been stopped out of their Wages on account of the said Arms not being duly returned.

Legislative Records of the Council, xxii., 16. Mass. Archives, lxxvi., 743.

House Journal, pp. 22, 25. Province Laws, xv., 695, chap. 416.

Read and

Ordered, That the Treasurer be and hereby is directed to pay to the Pet^{rs} four pounds each, being the sum stopped out of the Wages of the s^d John Pixley Oliver Watson, & Lawrence Lynch on Acc^o of their Arms not being returned. [*Passed June 1.*]

CHAPTER 18.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxii.,
18.

THE ACCOUNT of Daniel Russell Esq^r Treasurer of the County of Middlesex being presented to the Court for Allowance.

Read and

House Jour-
nal, pp. 13, 25.

Ordered, that this Account be allowed, and that the ballance thereof being Ninety Six pounds twelve shillings and three pence one farthing the said Treasurer be further Accountable to said County for. [*Passed June 2.*]

CHAPTER 19.

ORDER ALLOWING 42/3½ TO DUNCAN CAMPBELL, ESQ^R.

Legislative
Records of the
Council, xxii.,
18.

A PETITION of Duncan Campbell Esq^r of Oxford, setting forth that in January, 1756. the Selectmen of the Town of Newton bound out to him five Children of some of the late Inhabitants of Nova Scotia, that their parents followed them to Worcester where he had placed them; that after some time they all went away and left him; and that he has been at considerable Expence in transporting them and Subsisting them and praying an Allowance.

Read and

House Jour-
nal, pp. 22, 28.
Province
Laws, iv., 96,
note.

Ordered that there be Allowed and paid out of the publick Treasury to the petitioner the sum of Forty two shillings and three pence half penny in full discharge of the Accounts exhibited. [*Passed June 2.*]

CHAPTER 20.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £3. 4 TO EDWARD MCGOWEN.

Legislative
Records of the
Council, xxii.,
21. Mass.
Archives,
lxxvii., 53.

A PETITION of Edward McGowen setting forth that in August, 1756. he enlisted himself a Soldier under the Command of Capt. Benjamin Goldthwait, that he was taken Sick at Westfield in his way to Albany, and performed the Duty required of him; that he was two Months in the Service, and hath received no Wages therefor. And praying an Order for the same.

Read and

Mass.
Archives,
lxxvii., 52.
House Jour-
nal, pp. 24, 30.
Province
Laws, xv., 669,
chap. 353.

Ordered, That the Treasurer be and hereby is directed, to pay the Petitioner the sum of three Pounds four Shillings being two Months Wages according to the last years Establishment, in full of his Services mentioned. [*Passed June 3.*]

CHAPTER 21.

ORDER ANNEXING THE INHABITANTS OF THE GORE TO THE DISTRICT OF CHARLTON.

THE COMMITTEE to whom was referred the Petition of the Inhabitants of Charlton District, praying to have the Inhabitants of the Gore annexed to them, having heard the parties, and read the papers relative thereunto, do find that the said Inhabitants on the said Gore are so situated as that it will be best to lay them to the said District of Charlton; which thereby will be well enabled to support publick Charges; The Committee therefore report that the Inhabitants of the said Gore & Lands contained within the bounds petitioned for, be and hereby are set and annexed unto the said District of Charlton, and made part thereof, so as to do Duty and enjoy priviledges as the other Inhabitants of Said District do enjoy.

Sign'd, In the Name and by order of the Committee

BENJ^A LYNDE.

Read and accepted and

Ordered That the Inhabitants of the said Gore and the Lands contain'd within the Bounds petition'd for, be and hereby are annexed to the District of Charlton and made part thereof; and do duty and enjoy Privilege as the other Inhabitants of said District do or by Law ought to enjoy. [*Passed June 3.*]

Legislative
Records of the
Council, xxii.,
19. Mass.
Archives,
cxvii., 81.

House Jour-
nal, p. 328
(February 12,
1756); p. 34.
Province
Laws, xv., 629,
chap. 249.

CHAPTER 22.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £5.7.7 TO WILLIAM EATON.

A PETITION of William Eaton a Soldier in the Crown point Expedition in 1756. setting forth, that as he was likewise a Soldier in the Expedition in 1755. He is intitled to half pay during the Space betwixt the two Expeditions; but that he has been omitted in making up the Rolls, and made up short likewise for his whole pay; Therefore praying Relief.

Read and

Ordered that the Treasurer be and hereby is directed to pay to Caleb Cushing Esq' for the Use of the Petitioner, Fifty nine shillings and seven pence being the half pay he was intitled to on his re-enlisting into the Service on the last Crown point Expedition, and Forty eight shillings for the time he was made up short in Capt. Moors Muster Roll Amounting in the whole to the sum of Five pounds Seven shillings and seven pence. [*Passed June 3.*]

Legislative
Records of the
Council, xxii.,
19.

House Jour-
nal, pp. 25, 30.
Province
Laws, xv., 456,
chap. 320.

CHAPTER 23.

ORDER IMPOWERING SAMUEL HARPER, ADM^R, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Harper Administrator on the Estate of Andrew Harper late of Harvard deceased intestate, setting forth

Legislative
Records of the
Council, xxii.,

20. Mass.
Archives, xix.,
586.

Mass.
Archives, xix.,
584–587. House
Journal, pp. 22,
23, 29, 30.
Province
Laws, ii., 151,
chap. 10; xv.,
744, chap. 536.

that in April last he petitioned the Court for liberty to Sell the Real Estate of the said deceased, exclusive of the Widows Dower for the reasons mentioned in said petition, That in consequence of said petition liberty was granted to Sell the said two thirds of the deceased's Real Estate, nevertheless subjecting one third of the Income of the proceeds thereof for the Use of the Widow during Life. And inasmuch as the Widows Dower or Third part was not proposed to be Sold; He prays that he may have liberty agreeable to the prayer of his former petition to make Sale of two thirds of said Real Estate exclusive of the Widows thirds, and that the former Order may be set aside.

Read and

Ordered, That the Prayer of the Petition be granted; and that, after the Widow of said deceased shall have her thirds sett off to her as her Dower in said Deceased's reall Estate, the said Admin^r be and hereby is impowered to make Sale of the remaining two thirds of said deceased's reall Estate for the most the same will fetch, he observing the directions of the Law respecting the Sale of real Estates by Exec^{rs} & Admin^{rs} And to make and execute a good Deed or Deeds for Conveyance of the same, the Proceeds whereof to be applied for the payment of said deceased's Debts; And if there should be a surplusage remain in s^d Admin^{rs}'s hands after the Debts shall be paid, that the same be divided among the Heirs of y^e deceased according to Law; and that Sufficient Caution be given to the Judge of Probate for the County of Worcester accordingly: And that y^e Order made on the said Administrator's former Petition, on the 18th of April last be set aside & declared void. [*Passed June 3.*]

CHAPTER 24.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 AND A FURTHER SUM OF 12/ TO CHARLES RICE.

Legislative
Records of the
Council, xxii.,
21. Mass.
Archives,
lxxvii., 83.

House Jour-
nal, pp. 22, 32.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Charles Rice of Westborough, setting forth, that he was a Soldier in the last Crown point Expedition, and carried his own Gun as Certified by the Commissary of the Musters, but that in making up Capt. Richardson's Muster Roll he is charged with One of the province Arms, and Four pounds has in consequence thereof been stopt from his Wages on Account of said Gun's not being returned and praying Relief.

Read and

Ordered That the Treasurer be and hereby is directed to pay the Petitioner four pounds being the sum stopped out of the wages due to him in y^e last Crown point Expedⁿ & also the further sum of twelve Shill^{gs} for the use of his own Gun which he carried with him into the said Service. [*Passed June 3.*¹]

¹ The date of final concurrence in the Council is given in Mass. Archives as June 2, evidently a mistake, as the same order states that its reading in the House occurred on June 3.

CHAPTER 25.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO NOAH
McINTYRE.

A PETITION of Noah McIntyer, a Soldier in the Crownpoint Expedition in 1756. setting forth, that he delivered his Gun to Capt. Joel Bradford at Albany, but that Four pounds has been stopt out of his Wages on Account of said Gun, as if it had not been returned And praying that he may be relieved; And that he may likewise receive an Allowance for his Expences on his return home, and of a tedious Sickness afterwards:

Read and

Ordered, That the Prayer of this Petition be so far granted as that the Treasurer be and hereby is directed to pay the Petitioner four pounds the sum stopped out of the wages due to him on y^e last Crown point Expedition on account of his arms not being returned. [*Passed June 3.*]

Legislative
Records of the
Council, xxii.,
22. Mass.
Archives,
lxxvii., 97.

Mass.
Archives,
lxxvii., 96.
House Jour-
nal, p. 32.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 26.

ORDER ON THE PETITION OF JOHN AND EDWARD WINSLOW, ESQ^{RS}, IN
REGARD TO DISCHARGING A MORTGAGE AND DIRECTING THE COM-
MISSIONERS OF THE £100,000 LOAN TO DEPOSIT THE BOOKS AND
ACCOUNTS THEREOF WITH THE SECRETARY OF STATE.

A PETITION of John Winslow of Marshfield and Edward Winslow of plymouth Esq^{rs} setting forth, that their Father Isaac Winslow Esq^r late of Marshfield deceased had for the consideration of One hundred pounds Bills of Credit of this province, Mortgaged on the 7th day of May. 1717. a part of his Farm at Marshfield, to the Commissioners of the £100,000 Loan, the principal and Interest of which he had fully paid and discharged in his Lifetime as appears by the Commissioner's Book, but that the Mortgage is not discharged but stands on the Records in full Force. Therefore praying that the Register of Deeds for the County of Plymouth may be directed to discharge the same, or that they be otherwise relieved.

Read and

Ordered, That the Prayer of this Memor^l be granted; And That the Register of Deeds for the County of Plymouth be and hereby is directed to enter a Discharge of the Mortgage mentioned in the Margin of y^e Record of said Mortgage; And that the Books and Accompts relating to the £100,000 Loan kept by the Commissioners in the County of Plymouth be delivered into the Secretary's Office, there to be kept for the use of this Province. [*Passed June 3.*]

Legislative
Records of the
Council, xxii.,
22. Mass.
Archives, xix.,
581.

Mass.
Archives, xix.,
580. House
Journal,
p. 31 *bis*.
Province
Laws, ii., 61,
chap. 18.

CHAPTER 27.

VOTE DIRECTING THE DELIVERY OF A GUN TO ADMINISTRATOR OF SOLOMON FRENCH.

Legislative
Records of the
Council, xxii.,
23. Mass.
Archives,
lxxvii., 105.

House Jour-
nal, p. 35.

In the House of Representatives

Inasmuch as it has been made [to] appear to this House that Solomon French a Soldier in the service of the Province at Lake George in 1756 carried his own Firelock into said Service, and that he died there, & his Firelock is by his Officer since lodged in the Commissary General's Store at Boston.

Therefore

Voted that the Commissary General be directed to deliver the said Firelock to Caleb Cushing Esq^r for the use of the Administrator on said Solomon's Estate.

In Council Read and Concur'd. [*Passed June 3.*]

CHAPTER 28.

ORDER ALLOWING SUBSISTENCE FOR 18 MEN AT BROAD BAY.

Legislative
Records of the
Council, xxii.,
23. Mass.
Archives,
lxxvii., 104.

House Jour-
nal, p. 34.
Province
Laws, xv., 707,
chap. 443.

Ordered, That there be allowed Subsistence for eighteen Men Inhabitants of Broad Bay, in addition to the Pay & Subsistence of Soldiers allowed for said place, during the continuance of the Establishment for defence of y^e Frontiers. [*Passed June 3.*]

CHAPTER 29.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 32/ AND A FURTHER SUM OF 12/ TO SETH BULLOCK.

Legislative
Records of the
Council, xxii.,
24. Mass.
Archives,
lxxvi., 753.

Mass.
Archives,
lxxvi., 753.
House Jour-
nal, pp. 20, 34.

A PETITION of Seth Bullock of Rehoboth, setting forth that he inlisted himself a Soldier in the Crown point Expedition in 1756. that he carried his own Gun and was made up One Month short of the time he served in Capt. House's Muster Roll And praying an Allowance

Read and

Ordered, that the Treasurer pay to y^e Petitioner thirty two Shillings for the months wages due to him Omitted in Maj^r House's Muster Roll, & twelve shillings for y^e use of his Gun, which he carried wth him into y^e service on y^e last Cⁿ p^t Expedition. [*Passed June 4.*]

CHAPTER 30.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 28/ TO THE HEIRS OF AMASA WOOD.

Legislative
Records of the
Council, xxii.,
24. Mass.
Archives,
lxxvi., 756.

A PETITION of Nathaniel Cooke setting forth that in making up his Muster Roll in the late Crown point Expedition one Amasa Wood deceased was by Mistake made up only to the 10th of September, whereas he lived to the 4th of October & ought to have been

up to that time Therefore praying in behalf of the Relations of the Deceased, that said Mistake may be rectified.

Read and

Ordered That the Treasurer pay to Cap^t Nath^l Smith for y^e use of y^e heirs of Amasa Wood twenty eight Shillings, in full of his wages omitted in said Cooks Muster Roll on y^e last Crown-point Expedition. [*Passed June 4.*]

House Jour-
nal, pp. 24, 25,
35.

CHAPTER 31.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4. 16 TO
JOSHUA EAMES.

A PETITION of Joshua Eames, a Soldier in the Crown point Expedition in 1756. setting forth that he proceeded in the Service so far as the Half Moon, where he was ordered to take care of one Nathaniel Low a Sick Soldier, where he was afterwards taken Sick himself & by advice of Doct^r Calef returned home, which he did accordingly, and continued ill for some time afterwards, and as he apprehends is borne upon no Roll, he prays he may be Allowed for his Service & for his Doctors Bill.

Read and

Ordered, That the Treasurer pay to Josiah Johnson Esq^r for the use of y^e Pet^r four pounds sixteen shillings in full of his Wages whilst in y^e service on y^e last Crown-point Expedⁿ, and in discharge of his Doctor's Bill exhibited. [*Passed June 4.*]

Legislative
Records of the
Council, xxii.,
24. Mass.
Archives,
lxxvi., 752.

Mass.
Archives,
lxxvi., 751.
House Jour-
nal, pp. 14, 35.

CHAPTER 32.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £3. 2 TO
ROBERT BLAIR.

A PETITION of Robert Blair setting forth that he was a Soldier in the last intended Expedition against Crown point in Capt. Mosely's Company in whose Roll he was made up till the Return of the Army, when he inlisted in Capt. Ingersolls Company in order to Compleat some Works, and served as a Serjeant about two Months; but that it so happen'd he was left out in the Muster Roll, And praying Relief;

Read and

Ordered, That the Treasurer pay to M^r Matthew Noble for the use of y^e Pet^r the sum of three Pounds two Shillings in full of his wages omitted in the Muster Roll of y^e Company he belonged to on y^e last Crown point Expedition. [*Passed June 4.*]

Legislative
Records of the
Council, xxii.,
25. Mass.
Archives,
lxxvi., 758.

House Jour-
nal, pp. 14, 35.

CHAPTER 33.

ORDER ON THE PETITION OF NOAH SPRAGUE IMPOWERING REFERREES
TO AMEND REPORT, &c.

A PETITION of Noah Sprague Agent for the Town of Rochester shewing that at the Superiour Court in Taunton for the County of

Legislative
Records of the
Council, xxi.,

348. Mass.
Archives,
cxvii., 248.

Mass.
Archives,
cxvii., 246.
Legislative
Records of the
Council, xxi.,
380, 555; xxii.,
25. House
Journal, p. 262
(January,
1757); pp. 29, 38.

Bristol in July 1755. The Towns of Dartmouth and Rochester entred into a Rule of Court for settling the bounds of said Towns: that the referrees have reported, and their report been accepted, in which report a Covenant between the proprietors of said Towns had slipt their Attention, therefore praying that the referrees may be enabled to rectify their report.

The Committee to whom was referred the within Petition; beg leave to report; that they have considered the same, the answer thereto, & heard the Parties thereon; and are of opinion, that the facts in s^d petition are all true and therefore that the Referrees within mentioned be fully authorised & impowred to consider the reserve in the covenant within mentioned, & make report thereon at the next Superiour Court of Judicature &c to be holden at Taunton in & for the County of Bristol in October next: and that the Justices of s^d Court be empowred, then & there to receive the same, enter up judgment thereon & that it shall to all intents & purposes whatsoever be as valid, as if the same had been contained in the Report of s^d Referrees made at s^d Court in July 1755

by order of the Committee

W^m BRATTLE

Read and accepted and thereupon

Ordered that s^d Referrees be fully authorised & impowred to consider the reserve in the Covenant above mentioned, & make report thereon at the Superiour court of Judicature &c to be holden at s^d Taunton in october next and that the Justices of s^d Court hereby are impowred to receive the same & enter up judgment thereon and that it shall be as valid to all intents & purposes whatsoever as if the same had been contained in the report of s^d Referrees made at s^d Court in July 1755. [*Passed June 4.*]

CHAPTER 34.

ORDER REMITTING DUTY ON MERCHANDISE REIMPORTED FROM GREAT BRITAIN BY JOSEPH JACKSON.

Legislative
Records of the
Council, xxii.,
26. Mass.
Archives, lxx.,
362.

Mass.
Archives, lxx.,
360. House
Journal, pp. 14,
39. Province
Laws, iii., 1002,
chap. 19; 1071,
note.

A PETITION of Joseph Jackson of Boston setting forth that in the Month of December last, He imported into this province a Cask of Beaver from Great Britain, for which the Collector of Impost demands of him four pence for every twenty shillings value as the duty thereof by virtue of an Act of this Government intituled An Act for granting unto his Majesty several Rates and Duties of Impost and Tunnage of Shipping; And further setting forth that although said Beaver was not the product of Great Britain, and so exempted from said Duty; yet as it was the product of America and reimported, he prays an Order of this Court to exempt him from paying the Duties on the aforesaid Cask of Beaver.

Read and

Ordered That the Prayer of this Petition be granted, and that the Duty mentioned in the Petition be and hereby is remitted to the Pet^r, and the Impost Officer is hereby required not to Demand the same. [*Passed June 4.*]

CHAPTER 35.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 34/3 TO WM MIDDLETON.

A PETITION of William Middleton of Haverhill, setting forth that he went in the Crown point Expedition in the last year, and that when the Army was disbanded in November, he upon the Encouragement offered by General Winslow agreed to tarry to build Barracks & other Works and accordingly remained there and wrought faithfully thereupon Six Weeks but that it so hap-
pen'd that he was not made up in the Muster Rolls for the term aforesaid; And praying Relief.

Legislative
Records of the
Council, xxii.,
27. Mass.
Archives,
lxxvi., 746.
House Jour-
nal, pp. 33, 38.

Read &

Ordered, That y^e Treasurer pay to M^r David March, for y^e use of y^e Pet^r thirty four Shillings & three pence, in full of his wages due for his services mentioned omitted in y^e Muster Roll, on y^e last Crown p^t Expedⁿ. [*Passed June 4.*]

CHAPTER 36.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES DUE SETH GAREY.

A PETITION of Seth Garey setting forth that he was a Soldier in the Crown point Expedition in 1756, in Capt. Knowles's Com-
pany but was not made up in said Captain's Roll, except it was by the name of Seth Garnes, and inasmuch as there was no such Man in the said Company he apprehends he was made up by Mistake under that name; therefore praying for Relief.

Legislative
Records of the
Council, xxii.,
27. Mass.
Archives,
lxxvi., 745.
House Jour-
nal, pp. 33, 37.

Read and

Ordered that that the Treasurer be and hereby is directed to pay to the petitioner the Wages due to him as a Soldier in the Crown point Expedition in 1756. in Capt. Knowles's Company it appearing to the Court that the said Garey was made up by a wrong Name in said Roll, Viz^t Seth Garnes there being no such person in the Company. [*Passed June 4.*]

CHAPTER 37.

ORDER GRANTING TO ELIJAH COBB LICENCE TO KEEP AN INN.

A PETITION of Elijah Cobb of Taunton setting forth that he has lately purchased a House near the Great Bridge which has been heretofore licensed for a House of publick Entertainment and is very conveniently situated for that purpose, that the Selectmen sensible of this have approbated him to keep a publick House, but as the Court of General Sessions of the peace for granting Licences will not Sit till September, He prays that the said Court may be enabled at their Sessions in this present Month to grant him a Licence if they see fit.

Legislative
Records of the
Council, xxii.,
29. Mass.
Archives, cxl.,
402. House Jour-
nal, p. 40.
Province
Laws, iii., 64,
chap. 32.

Read and

Ordered, That the Prayer of this Petition be granted; and That the Court of General Sessions of the Peace for y^e County of Bristol be & hereby are impowered, at their sessions in June Current, to grant the Pet^r a Licence (if they see fit) to keep an house of public Entertainment in y^e Town of Taunton, he producing an approbation from y^e select men of said Town, the Time for granting Licences being Elapsed Notwithstanding. [*Passed June 7.*]

CHAPTER 38.

ORDER ALLOWING £5. 14 TO JOHN BAGLEY.

Legislative
Records of the
Council, xxii.,
29. Mass.
Archives,
lxxvi., 669.

Mass.
Archives,
lxxvi., 669.
House Jour-
nal, p. 41.

A PETITION of John Bagley of Braintree setting forth that in May, 1756, he was impressed into his Majesty's Service and Marched to Sheffield where he was taken Sick and continued so for three Weeks, that upon his Recovery he Marched to Albany where his Sickness returned and he remained unserviceable to the 6th October following when he returned to New England, but it has so happened that he was not made up in the Muster Roll Therefore praying Relief.

Read and

Ordered that there be allowed and paid out of y^e public Treasury to the Pet^r the sum of five pounds fourteen shillings in full consideration of his services on y^e last Crown p^t Expedition mentioned. [*Passed June 7.*]

CHAPTER 39.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO MOSES LELAND THE WAGES OF HIS SERVANT, AND A FURTHER SUM OF 19/.

Legislative
Records of the
Council, xxii.,
30. Mass.
Archives,
lxxvii., 51.

House Jour-
nal, pp. 14, 40.

A PETITION of Moses Leland of Sutton, setting forth that his Servant Ebenezer Bly was impressed into his Majesty's Service on the late Crown point Expedition; that after the Army was dismissed he continued at Lake George to take care of the Sick, and did not return till the 28th of December after, And praying that he may be Allowed to draw his Said Servants Wages as made up in the Muster Roll, And likewise for the time he tarried after the rest of the Army.

Read and

Ordered That the Treasurer pay the Petitioner the wages of his servant Eben^r by mistake called Stephen Bly, as made up in the Muster Roll of y^e Comp^a he belonged to on the last Crown point Expedition and Also the sum of Nineteen Shillings for the Time he tarried after the Army was dismiss. [*Passed June 7.*]

CHAPTER 40.

ORDER DIRECTING THE COMMISSARY GENERAL TO FURNISH TWO WHALE-BOATS FOR S^t GEORGES.

Legislative
Records of the
Council, xxii.,
30.

House Jour-
nal, p. 46.
Province
Laws, xv., 583,
chap. 130.

Ordered that the Commissary General be directed to procure two Whaleboats for the use of the province to be sent forthwith to Capt. Joshua Freeman at S^t Georges. [*Passed June 7.*]

CHAPTER 41.

ORDER IMPOWERING JAMES PENNIMAN & SAMUEL NILES, JR, EXECUTORS, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Penniman and Samuel Niles jun^r Executors to the last Will and Testament of Nehemiah Hayden late of Braintree deceased, setting forth, That the said Nehemiah by his Will aforesaid committed the care of two of his Children to the petitioners, Viz^t of Zachary Hayden and Lydia Hayden as being in a great measure unable to manage for themselves, and likewise impowered them the petitioners to Sell such Estate as he had by said Will devised to the said two Children in case the Rent thereof together with their own labour should prove insufficient to Maintain them. That they are already in advance for the support of said Children, and moreover apprehend that the Interest of the Money arising on the Sale of the Estate would be much more than the Rent; Therefore praying that this Court would give Orders for the Sale thereof, and empower the said Executors to expend the Interest upon either or both of said Children as their Necessities may require.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioners be and they hereby are impowered to make Sale of the Lands mentioned to either of the other Children of the deceased (they giving as much therefor as any other person shall appear willing to give) & to make & execute a good & sufficient Deed or Deeds of Conveyance thereof in the Law, they Observing the Directions of the Law relating to y^e sale of reall Estates by Exec^{rs} & Admin^{rs} They giving sufficient Caution to the Judge of Probate for y^e County of Suffolk that y^e money Arising on said Sale be applied for y^e Benefit of the Legatees Mentioned in Virtue of & according to the power they are invested with by the Will of the Testator. [*Passed June 7.*

Legislative
Records of the
Council, xxii.,
30. Mass.
Archives, xix.,
539.

Mass.
Archives, xix.,
538–542. House
Journal,
pp. 386, 387
(April 4, 1757);
pp. 44, 46.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 42.

ORDER ALLOWING 32/ TO ANTHONY AUSTIN.

A PETITION of Anthony Austin of Sheffield setting forth that his Son and two daughters were impressed to attend the Sick Soldiers in the Hospital at Sheffield by which means his said Son contracted the Camp distemper of which he remained Sick six weeks, And praying an Allowance of the Expences incurred thereby.

Read and

Ordered That there be allowed and paid out of the public Treasury to the Pet^r the sum of thirty two shillings in full for the eight weeks nursing mentioned, the Doctors Bill annexed being referred to the hon^b Board. [*Passed June 7.*

Legislative
Records of the
Council, xxii.,
31. Mass.
Archives,
lxxvi., 569.

Mass.
Archives,
lxxvi., 568.
House Journal,
pp. 40, 41,
46.

CHAPTER 43.

ORDER DIRECTING THE ATTORNEY GENERAL TO PROSECUTE CAPT. JOHN SMITH.

Legislative
Records of the
Council, xxii.,
33. Mass.
Archives,
lxxvii., 2.

Mass.
Archives,
lxxvii., 1.
House Jour-
nal, pp. 34, 36,
43, 47 *bis*, 48.

A PETITION of Capt. John Smith setting forth that in the year, 1755, he was employed on the Eastern Frontiers as Captain of a Scouting Company, that in said Company there were a few persons inlisted who were not always employed upon the duty of said Company but as many of their Habitations lay exposed to the Enemy, which obliged them to be upon Guard there; He made them up in his Roll so as to intitle them to receive their Pay; but that upon reflection he is convinced his Conduct cannot be justified, and is willing and desirous of refunding into the Treasury all the Monies by him received for such persons; And praying that his wrong doings in this matter may be forgiven, and he permitted to return the Monies received as aforesaid.

[Read and]

Ordered, That the Kings Attorney General be directed to prosecute Cap^t John Smith late Commanding Officer of a Scouting Company on y^e Eastern Frontiers for certain frauds on the Governm^t committed by him in making up the Muster Roll of his Said Company in 1755. [*Passed June 8.*]

CHAPTER 44.

VOTE ALLOWING £8.9 TO JOHN SMITH, JUN^r.

Legislative
Records of the
Council, xxii.,
33. Mass.
Archives,
lxxvi., 750.

Mass.
Archives,
lxxvi., 748.
House Jour-
nal, pp. 38, 48.
Province
Laws, xv., 695,
chap. 416.

A PETITION of John Smith jun^r of Biddeford setting forth that he was an Ensign under Capt. John Lane in the last Crown point Expedition, that the Captain died and the petitioner acted as Lieutenant of the Company, that in October he was taken Sick at Lake George and from thence was carried to the Half Moon, where he continued Sick till the 25th day of December during which time he lost his Gun, for which Four pounds has been stopt out of his Wages, And further, that he was made up in the Roll for no longer time than until the 21 of November, although he did not nor was he able to return until the 18th day of February, And praying Relief.

In the house of Rep^s

Read, and Whereas it appears to this house, y^t the Arms and back wages therein mentioned were not considered by the Com^{tee} the last year,
Therefore

Voted, that y^e said sum of eight Pounds nine shillings be allowed the Pet^r & that y^e same be paid by the Treasurer to M^r Sam^l Jordan for his Use.

In Council Read & Concur'd. [*Passed June 8.*]

CHAPTER 45.

ORDER APPOINTING A COMMITTEE TO INQUIRE IN REGARD TO FRAUDS
ON THE GOVERNMENT.

Ordered that M^r Pratt Col^o Quincy, M^r Tyng, Col^o White, M^r Boardman, M^r Morey and Capt. Sprague be a Committee to make inquiry into all Frauds committed against the Government, and Mistakes to the prejudice thereof, and report thereon, And that the said Committee be and hereby are impowered to send for persons and papers as they shall think proper. [*Passed June 8.*]

Legislative
Records of the
Council, xxii.,
34.

House Jour-
nal, p. 48.

CHAPTER 46.

VOTE DIRECTING THE ATTORNEY GENERAL TO PROSECUTE PEARSON
EATON FOR FRAUD.

WHEREAS on a Hearing before the late House of Representatives, on a Suggestion that one pearson Eaton of Lunenburg had received pay on Capt. Reads & Capt. Stevens's Muster Roll at the same time for his Service in the Expedition against Crown point in the year, 1755. it appeared to them that the Facts alledged were true; and the following Order passed said House the 24th of February last, Viz^t

Legislative
Records of the
Council, xxii.,
36.

Legislative
Records of the
Council, xxii.,
34. House
Journal, p. 366
(February,
1757); p. 48.

Ordered that the Attorney General be directed to prosecute him for his said Misdemeanor, which Order has not yet been acted upon. Therefore

Voted the Kings Attorney General be and hereby is directed to prosecute the said pearson Eaton accordingly. [*Passed June 9.*]

CHAPTER 47.

ORDER IMPOWERING JOSEPH SHEPHERD & OTHERS, GUARDIANS, TO
SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE
PROCEEDS.

A PETITION of Joseph Shepherd with Keziah his Wife & Thomas Man of Wrentham setting forth that they are Guardians of Jonathan Man, Keziah Man, Mary Man and Betty Man, Minors, & Children of Beriah Man late of Wrentham deceased, who by his last Will and Testament devised his Estate to and among his said Children, which Estate consists partly of a Tanyard, Bark house, Mill pitts & Utensils for tanning, which since the Death of the said Beriah are much gone to decay, that the only Son is a mute, and none of the Children like to improve the Estate by carrying on the tanning business. Therefore praying liberty to Sell the premises abovementioned, and place the produce thereof; at Interest for the benefit of the Heirs, as also a part of the Dwelling house and fifteen Acres of Land; the produce thereof to be improved as aforesaid, Viz^t the Westerly end of the Dwelling house with the priviledge of the Entry and Stairway to go up into the Chamber and Garrett of said Westerly end of said House and of the Stairway into the

Legislative
Records of the
Council, xxii.,
37. Mass.
Archives, xix.,
589.

Mass.
Archives, xix.,
588–592. House
Journal, pp. 44,
53. Province
Laws, ii., 151,
chap. 10.

Cellar under said Westerly end of the House, as also the Westerly side of the yard from the Middle of the Front door to the Road, and the same quantity of Land in the same form on the North side of said Westerly end of the House, also a privilege of drawing water out of the Well, And the fifteen Acres abovementioned butted and bounded as follows, Viz^t On the Land of Capt. Ebenezer Man East, on a Way South, and on a Way West and on M^r Thomas Brastows Land North; the Tan yard, Bark house, Bark mill Tan pitts, Shops &c. being within said Fifteen Acres of Land.

Read and

Ordered, That the Prayer of the Petition be so far granted as that the Petitioners in their said Capacity be and hereby are authorized and Impowered to make Sale of that Part of the Dwelling House and Appurtenances thereto belonging as therein mentioned, and also the fifteen Acres of Land and Appurtenances mentioned for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds of the same to the Purchaser, his Heirs and Assigns, they observing the Directions of the Province Law with regard to the Sale of Real Estates by Executors and Administrators, & also giving sufficient Caution to the Judge of Probates for the County of Suffolk that the Produce arising by the said Sale shall be disposed of as follows, Viz^t that the two Thirds thereof with the Interest arising on the same the said Guardians to account for with the said Minors, as they respectively come of Age in the same Manner and Proportion as the said Estate is given by the last Will and Testament of the said Deceased, and the Widow of the said Beriah Man Deceased to have the Interest of the other Third during her natural Life and after her Decease the said Third to be divided amongst the said Heirs or their legal Representatives in the same Proportion as the said Estate is devised by the aforesaid Will.
[*Passed June 10.*]

CHAPTER 48.

ORDER IMPOWERING TABITHA NEWHALL, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Tabitha Newhall Administratrix on the Estate of Nathan Newhall late of Malden deceased praying leave to Sell the deceaseds Real Estate for the payment of his just Debts.

Read &

Ordered that the prayer of this Petition be granted, & that the Petitioner be & hereby is impowred (in her said Capacity) to make Sale of the whole of said Real Estate for the most it will fetch and to execute a good Deed or Deeds thereof in the Law. Provided she observe the directions of the Law for the Sale of Real Estates by Excors & Admors and give sufficient Caution to the Judge of Probate for the County of Middlesex, that the proceeds arising by said Sale be applied to the payment of the just Debt's of the deceased (reserving only one third part of the Annual Income to the Widow in Lieu of Dower or Thirds in the Premises during her natural Life) and that the remainder (if any there be) be improved for the benefit of the said deced's Heirs, as the Law directs.
[*Passed June 10.*]

Legislative
Records of the
Council, xxii.,
38. Mass.
Archives, xix.,
574.

Mass.
Archives, xix.,
575. House
Journal, pp. 49,
55. Province
Laws, ii., 151,
chap. 10.

CHAPTER 49.

ORDER IMPOWERING MARY BRAGG, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Bragg Widow and Administratrix of Henry Bragg late of Wrentham deceased setting forth that her said husband died possessed of a Real and personal Estate Amounting to £118.2.7½ and no more, And there is due from said Estate £68.19.7 besides the Charges of his Funeral and the Settling his Estate, and the Support of three Children under seven years of Age, That the whole personal Estate amounted to but £35.2.7½ so that so much of the small Real Estate must be sold as will intirely spoil the remainder for a Settlement, Therefore praying that she may be impowered to Sell the whole, reserving one third of the Income for herself and securing the remainder to the Heirs.

Read &

Ordered that the prayer of the Petition be granted, and that the Petitioner be and hereby is impowred (in her said Capacity) to make Sale of the whole of the said deced's Real Estate for the most it will fetch, & to execute a good Deed or Deeds thereof, provided the Petitioner observe the directions of the Law for the Sale of Real Estates by Executors and Administrators and give sufficient Caution to the Judge of Probate for the County of Suffolk that the proceeds arising by said Sale be applied to the payment of the just Debts of the deceased (saving one third part of the annual Income to Widow in Lieu of her right of Dower or Thirds in the Premises during her Natural Life) and the remainder thereof for the benefit of the deceased's Children as the Law directs. [*Passed June 10.*]

Legislative
Records of the
Council, xxii.,
39. Mass.
Archives, xix.,
576.

Mass.
Archives, xix.,
578, 579. House
Journal, pp. 48,
49, 53, 54.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 50.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY NOAH PRATT THE WAGES DUE BENJAMIN PRATT.

A PETITION of Noah Pratt of plimpton, setting forth that his Father Benjamin Pratt, was in the province Service the last year in the Expedition against Crown point in Capt. Nathaniel Cook's Company, that he returned Sick in a Transport Vessel with Capt. Josiah Carver, and soon after died, that by reason of his Sickness he was unable to take care himself of his Gun, but the Arms of the Soldiers who came in said Transport were all lodged at Boston; notwithstanding which there has been a deduction of Four pounds from his said Fathers Wages; And praying Relief.

Read and

Ordered, That y^e Treasurer pay to M^r Isaac Bonney for the use of y^e Pet^r the full of y^e Wages of the said Benjamin as made up in the Muster Roll of y^e Comp^a he belonged to on y^e last Crown point Expedition without any deduction on acco^t of his Arms not being returned. [*Passed June 10.*]

Legislative
Records of the
Council, xxii.,
39. Mass.
Archives,
lxxvii., 113.

Mass.
Archives,
lxxvii., 112.
House Jour-
nal, p. 54.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 51.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 34/5 TO MAYHEW TUPPER.

Legislative
Records of the
Council, xxii.,
40.House Jour-
nal, pp. 40, 54,
55.

A PETITION of Mayhew Tupper of Stoughton, setting forth that he proceeded in the intended Expedition against Crown point and was in the Service from the 31. August, to the return of the Army as may appear by Capt. Stephen Miller's Certificate under whom he Served, but that he was by Mistake omitted in the Muster Roll; And praying for Relief;

Read and

Ordered That the Treasurer pay the petitioner thirty four shillings and five pence in full of the Wages due to him whilst in the Service on the last Crown point Expedition, his not being borne on any Muster Roll therefor notwithstanding. [*Passed June 10.*]

CHAPTER 52.

ORDER CONTINUING THE ESTABLISHMENT FOR THE EASTERN AND WESTERN FRONTIERS.

Legislative
Records of the
Council, xxii.,
41.House Jour-
nal, p. 57.
Province
Laws, xv., 707,
chap. 448.

Ordered that the Establishment made the 7th of April last for the defence and protection of the Frontiers East & West, and for pay & Subsistence of the Officers and Soldiers destined for that Service be & hereby is continued till the last day of September next, and no longer. [*Passed June 10.*]

CHAPTER 53.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £7.17.6 TO JON^A FISHER.Legislative
Records of the
Council, xxii.,
41. Mass.
Archives,
lxxvi., 502.Mass.
Archives,
lxxvi., 501.
House Jour-
nal, pp. 38, 54.

A PETITION of Jonathan Fisher of Norton setting forth that about the 1 July. 1756. he entered himself in his Majesty's Service for the Crown point Expedition and Marched to Albany under the Command of Capt. Wight, and did duty there and at Half Moon and Still Water until he was taken Sick, that Col^o Whetcomb then ordered him to Albany where Doct^r John Calef Surgeon of the Hospital gave him a Certificate that he was unfit for Service, and told him to go home, And the petitioner apprehending that he was regularly dismissed returned home, but cannot find that he is made up in any Muster Roll; And praying Relief.

Read and

Ordered, That the Treasurer pay the Petitioner the sum of seven pounds seventeen shillings and six pence in full of his Wages, it appearing that he was four months & nine days in the service on the last Crown point Expedition, his not being born in any Muster Roll Notwithstanding. [*Passed June 10.*]

CHAPTER 54.

ORDER ALLOWING 48/ TO BENJAMIN LYMAN, JUN^R.

A PETITION of Benjamin Lyman jun^r of Northampton, setting forth that he went as a Soldier the last year on the Crown point Expedition and carried his own Gun which was new and cost him Forty eight shillings that coming off from Guard one night, he set his said Gun in a place assigned for that purpose, but that the Same was Stolen thence, and notwithstanding the most diligent Search both by himself and his Officers; the Gun could never be recovered; & praying an Allowance.

Legislative
Records of the
Council, xxii.,
42. Mass.
Archives,
lxxvi., 757.
Mass.
Archives,
lxxvi., 757.
House Jour-
nal, p. 17.

Read and

Ordered, That the Prayer of the Petitⁿ be granted, and that there be allowed and paid out of y^e public Treasury to the Petitioner the sum of forty eight Shillings in full Consideration for the loss of his Gun mentioned. [*Passed June 11.*]

CHAPTER 55.

VOTES IN REGARD TO THE CHARGE FOR TRANSPORTING BAGGAGE, &c.

WHEREAS by Letters from the R^t Hon^{ble} William Pitt Esq^r dated the fourth of February last, & from major General Webb dated the this court apprehend that the charge of Transporting the Baggage belonging to the Forces raised by this province under the Command of his Excellency the Earl of Loudoun was to have been born by the Crown, & not by this Government; and that the article of Bread must necessarily be comprized under the head of Provisions mentioned in said Letters to be at the Expence of the Crown. therefore

Legislative
Records of the
Council, xxii.,
42. Mass.
Archives,
lxxvii., 122.
Mass.
Archives,
lxxvii., 124.
House Jour-
nal, pp. 56, 57.
Province
Laws, xv., 770,
chap. 606.

Voted that attested Copies of the said Letters be speedily transmitted to Col^o Fry, and that he be directed to lay the same before General Webb, & pray a punctual compliance: And

That the Committee of War be directed to remit to Col^o Fry, or to Robert Sanders Esq^r at Albany, such Sums of money as shall be sufficient to Discharge any obligation from the said Col Frye to the said M^r Sanders on account of Transporting the Baggage &c of the provincial Forces under the Command of said Col Frye to this time, and that the said Col^o Frye be directed to make Application to the Kings General for a reimbursement of the same, or in his absence to the chief Commander of the Kings Troops, and lay the before mentioned Letters before him that so it may appear how just the Expectation of the Government is that said Charge will be defrayed by the Crown, and that Col^o Frye also be informed that this Court Expect that Charges of that nature for the future be paid by the Crown, and that he make no further Engagements in behalf of the province for the payment of such Charges. Also

Voted that M^r Commissary Hall be furnished by the Committee of War with Molasses from time to time in such Quantities as may be needfull to supply the Provincial Soldiers, Keeping a Just & true Account of the Quantity delivered to each Soldier, and that Stoppages be made out of their Wages to Discharge the same.

Voted further that an Armourer for the Forces under Col^o Frye's Command be speedily Provided by the Committee of War & paid by the Province. [*Passed June 11.*]

CHAPTER 56.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 43/ TO RUTH HOLDEN.

Legislative
Records of the
Council, xxii.,
43. Mass.
Archives,
lxxvii., 100.

Mass.
Archives,
lxxvii., 99.
House Jour-
nal, p. 57.
Province
Laws, xv., 456,
chap. 320.

A PETITION of Ruth Holden of Harvard, setting forth that her late Husband Justinian Holden was a Soldier in both the intended Expeditions against Crown point in 1755. and 1756. and was thereby intitled to half pay during the intermediate space, but that he was not made up in any Muster Roll for the same; Therefore praying Relief.

[Read and]

Ordered, That the Treasurer pay to William Lawrence Esq^r for the Use of the Petitioner the sum of forty three shillings in full of the half pay her late husband Justinian Holden dec^d was intitled to on his enlisting into the service on the last Crown point Expedⁿ omitted in the Muster Roll of y^e Company he belonged to. [*Passed June 11.*]

CHAPTER 57.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO JAMES WOODWARD.

Legislative
Records of the
Council, xxii.,
44. Mass.
Archives,
lxxvii., 60.

House Jour-
nal, pp. 55, 56.
Province
Laws, xv., 695,
chap. 416.

A PETITION of James Woodward of Reading, setting forth that he was a Soldier in the Crown point Expedition in 1756. and being Sick on his return home was not able to get back till the 31 Jānry & during his Indisposition lost his Gun, which notwithstanding his most diligent Search he was not able to recover: Therefore praying Relief

Read and

Ordered, That the Treasurer pay to Eben^r Nichols Esq^r for the use of the Pet^r the sum of four pounds deducted from the Wages due to him on the Muster Roll of y^e Comp^a he belonged to, on y^e last Crⁿ point Expedⁿ on Acc^o of his Arms not being returned. [*Passed June 11.*]

CHAPTER 58.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO JON^A FOSTER.

Legislative
Records of the
Council, xxii.,
44. Mass.
Archives,
lxxvi., 734.

Mass.
Archives,
lxxvi., 733.
House Jour-
nal, p. 55.
Province

A PETITION of Jonathan Foster, setting forth that he was a Soldier in the Crown point Expedition in 1756. in Capt. Taplins Company and being employed to take care of the Sick, he left his Gun at the Half Moon, having delivered the same to M^r Cocks an Officer appointed to receive the Soldiers Arms; notwithstanding which there has been Four pounds deducted from his Wages on Account of his Gun; And praying Relief;

Read and

Ordered that the Treasurer pay the Pet^r the sum of four pounds being what was deducted from his Wages on the last Crown point Expedition, on Acc^o of his Arms not being returned. [*Passed June 11.*]

Laws, xv., 695,
chap. 416.

CHAPTER 59.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 48/4 TO WILLIAM KING.

A PETITION of William King of Sheffield, setting forth that he was a Soldier in both the Crown point Expeditions in 1755. and 1756. whereby he was intitled to half pay during the intermediate space, but that he was not made up in the Muster Roll for the same; And praying Relief.

Read and

Ordered That the Treasurer pay to Cap^t Ithamar Hubbell for the Use of the Pet^r the sum of forty eight Shillings & four pence in full of y^e half pay he was entitled to on his relisting into y^e service on y^e last Crown point Expedition, the same being omitted in Col^o Dwights Muster Roll notwithstanding. [*Passed June 11.*]

Legislative
Records of the
Council, xxii.,
44. Mass.
Archives,
lxxvii., 119.

House Jour-
nal, pp. 40, 56.
Province
Laws, xv., 456,
chap. 320.

CHAPTER 60.

ORDER IMPOWERING JOS. WHETCOMB, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Whetcomb Guardian, and of Susanna Whetcomb Mother of Anna Whetcomb, daughter of John Whetcomb of Lancaster deceased, setting forth, that the Said Anna is Sole Heir to her deceased Father, who died seized of Fifty Six Acres of Land in Lancaster with some unfinished Buildings thereon, and that there is no Estate (except the Land be sold) wherewith to finish the same and that without there are Some Disbursements on the Buildings they will go to decay; and that the whole rents for no more at present than Forty shillings p^r Annum; Therefore praying liberty to sell the same for the benefit of the said Anna.

Read and

Ordered that the Prayer of the Petition be granted; and that the Petitioner be and hereby is empowered in his said Capacity as Guardian to make Sale of the said Deceased's Real Estate for the most it will fetch; and to make and execute a good Deed or Deeds thereof, he observing the Law of this Province respecting the Sale of Real Estates by Executors and Administrators; Provided sufficient Caution be given to the Judge [of] ¹ Probate for the County of Worcester that the Proceeds of said sale shall be secured and applied to the Benefit and Advantage of the lawful Heir or Heirs, reserving to the Widow of the Deceased only the annual Income of one third Part thereof in Lieu of her Right of Dower in the Premises, during her natural Life; and at her Decease to be disposed of as the Law directs. [*Passed June 11.*]²

Legislative
Records of the
Council, xxii.,
45. Mass.
Archives, xix.,
582.

House Jour-
nal, pp. 54, 58,
59. Province
Laws, ii., 151,
chap. 10.

¹ Inserted from Legislative Records of the Council, xxii., 45.

² The date of final concurrence in the Council is given in Mass. Archives as June 10, evidently a mistake, as the same order states that its reading in the House occurred on June 11.

CHAPTER 61.

Legislative
Records of the
Council, xxii.,
46.

House Jour-
nal, p. 60.
Province
Laws, iii., 1051,
chap. 40; 1086,
note.

ORDER DIRECTING THE SECRETARY TO RETURN LISTS OF VALUATION OF ESTATES TO THE SEVERAL TOWNS.

Ordered that the Secretary be directed to return to the several Towns the Lists of Valuation of Estates they sent in to his Office the last year, in consequence of a late Act of the Government. [*Passed June 11.*]

CHAPTER 62.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
46.

Mass.
Archives,
lxxvi., 692;
lxxvii., 31, 32,
84, 85, 546.
House Jour-
nal, p. 57.

Ordered that there be allowed and paid out of the publick Treasury to William Lawrence Esq^r for the Use of Oliver Parker Six pounds seventeen shillings & eight pence; To Capt. Henry King for the Use of Ebenezer Cutler Three pounds twelve shillings; To M^r Ebenezer Stetson for the Use of Elizabeth Briggs Five pounds six shillings & four pence; To Artemas Ward Esq^r for the Use of Charles Rice, Four pounds thirteen shillings and four pence; To M^r Eliphalet Whiting for the Use of Jeremiah Blake Fifty seven shillings and eight pence; And to Caleb Cushing Esq^r for the Use of Elizabeth Wingate Fifty six shillings and six pence in full of the Accounts of Expences &c. on the last Crown point Expedition in their petitions respectively exhibited. [*Passed June 11.*]

CHAPTER 63.

ORDER ACCEPTING REPORT ON MEMORIAL OF THOMAS HUTCHINSON IN REGARD TO SETTLEMENT OF A MORTGAGE.

Legislative
Records of the
Council, xxii.,
45. Mass.
Archives, ciii.,
594.

House Jour-
nal, p. 372
(April, 1757);
pp. 15, 65.
Ante, p. 7,
chap. 2.

BENJAMIN LYNDE Esq^r from the Committee appointed the 28th May last, on the Memorial of Thomas Hutchinson Esq^r made report, That they found the facts as set forth in said Memorial and were therefore of Opinion that the Memorialist be impowered to release to said Isaac Little his Heirs & Assigns, All the Right which the province has to said Rogers mortgaged Lands, and that the province Treasurer be directed to pay to the said Isaac Little Esq^r the said Sixteen pounds nine shillings and two pence Ballance aforesaid.

The Comitte Appointed on the Memorial of the Hon Tho^s Hutchinson Esq^r have considered the same, & find that in the year 1742. the Lands mortgaged by Lemuel Little to the Comiss^{rs} of y^e 100,000 loan for the County of Essex being forfeited to the Province were sold for £501 old ten^r bills and the same was paid into the Province Treasury

That afterwards Isaac Little Esq^r as attorney to Joseph Jenkins, and Abigail his Wife, who was the heir of Lemuel Little, Applied to the General Court; That Inasmuch as the Principal money with Interest on s^d mortgage, to y^e time when the redemption of said mortgage Expired did not amount to the sum s^d land was sold for by 225¹ old ten^r bills; The Court would order that s^d Isaac Little

should receive as Attorney as afores^d the s^d Two hundred Twenty five pound out of the Prov: Treasury w^{ch} was accordingly granted

They further find that s^d Isaac Little purchased the Right of Redemption of the Lands, which John Rogers mortgaged to the Commiss^{rs} afores^d The Principle & Interest due thereon, in the year 1742. amounted to 101.3.6 which he desires may be deducted, out of the s^d £225.0/ due to him from the Province and that s^d Rogers mortgaged Lands may be assigned to him so that the ballance then due to s^d Isaac Little will then be Sixteen pounds 9/2^d L money

Wherefore the Com^{tt} are of opinion that the memorialist be Impowered to Release to s^d Isaac Little his heirs & assigns all the right w^{ch} the Province has to the s^d Rogers mortgaged Lands and that the Prov: Treasurer be directed to pay to the s^d Isaac Little Esq^r the s^d Sixteen pounds 9/2^d Ball^{ce} afores^d

w^{ch} is submitted in the name & p^r ord^r of the Com^{te}

ϕ BENJ^A LYNDE

Read & Accepted &

Ordered That the s^d Tho^s Hutchinson Esq^r Give the release aforementioned, & that the Prov: Treasurer pay the s^d Isaac Little the sum of sixteen pound 9/2^d agreeable to the above report. [*Passed June 13.*¹

CHAPTER 64.

ORDER IN REGARD TO ASSESSING THE INHABITANTS OF THE GORE.

Ordered that the Assessors of the Town of Leicester and District of Spencer be and hereby are impowered to Assess the Inhabitants of a place called the Gore in their next Assessment for the present years Tax in the same manner as has heretofore been done, their being lately annexed to the District of Charlton notwithstanding. [*Passed June 13.*

Legislative
Records of the
Council, xxii.,
46.

House Jour-
nal, p. 53.
Province
Laws, iv., 94,
note. *Ante*,
p. 15, chap. 21.

CHAPTER 65.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £8. 12 TO
SAMUEL PRICE, ETC.

A PETITION of Samuel Price of Boston, setting forth that in March, 1756. he enlisted in Capt. Cooke's Company for the Crown point Expedition, that he faithfully performed his duty, and when the Expedition was over, delivered his Gun to the Lieutenant of the Company M^r Thomas Torrey, on which Account Four pounds were stopt from his Wages on the Muster Roll; And further that some person unknown personating the petitioner had been to the province Treasurer and demanded and received the remainder of his Wages Amounting to Eleven pounds six shillings & eight pence; And praying Relief.

Read and

Ordered that the prayer of this Petition be so far granted as that the Treasurer be and hereby is directed to pay the petitioner the Sum of Eight pounds twelve shillings being the ballance due to him after discharging the Sums he had received of the Commissary,

Legislative
Records of the
Council, xxii.,
47. Mass.
Archives,
lxxvii., 93.

Mass.
Archives,
lxxvii., 92.
Executive
Records of the
Council, xlii.,
270. House
Journal, pp. 39,
40, 65. Prov-
ince Laws, xv.,
695, chap. 416.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 11.

and that he be directed to Stop out of the Wages of Leiv^t Thomas Torry the Sum of four pounds on Account of the said Samuels Gun, which the said Thomas promised to be Accountable for, And that he be further directed to take all proper measures to discover and detect the person guilty of the fraud mentioned. [*Passed June 14.*]

Legislative
Records of the
Council, xxii.,
47.

Legislative
Records of the
Council, xxii.,
25, 36. House
Journal, pp. 64,
67.

CHAPTER 66.

ORDER ALLOWING £5 TO ANDREW REES.

Ordered that there be allowed and paid out of the publick Treasury, to Andrew Rees the sum of Five pounds to defrey his Expences in Attending this Court. [*Passed June 14.*]

CHAPTER 67.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 41/11 TO BOAZ BROWN.

Legislative
Records of the
Council, xxii.,
48. Mass.
Archives,
lxxvii., 111.

House Jour-
nal, pp. 45, 67.
Province
Laws, xv., 456,
chap. 320.

A PETITION of Boaz Brown of Concord setting forth that he served as a Soldier in both the Crown point Expeditions in 1755 and 1756. and was by the Vote of this Court thereby intituled to half pay during the intermediate space, but that he was omitted in the Muster Roll for the same, And praying Relief.

Read and

Ordered, That the Treasurer pay to Cap^t James Barret, for the Use of the Petitioner forty one Shillings and eleven pence in full of the half pay he was intituled to on his reinlisting into the service on the last Crown point Expedition, his not being Made up in Cap^t Robinson's Muster Roll therefor, notwithstanding. [*Passed June 14.*]

CHAPTER 68.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 60/ TO NATHAN PAGE, AND TO NATHANIEL SMITH MOSES AMES AND MOSES LYFORD 12/ EACH.

Legislative
Records of the
Council, xxii.,
49.

Mass.
Archives,
lxxvii., 86, 87.
House Jour-
nal, p. 69.
Province
Laws, xv., 456,
chap. 320.

Ordered that the Treasurer be and hereby is directed to pay to M^r David Marsh for the Use of Nathan Page forty eight shillings in full of the half pay he was entitled to on his reinlisting into the Service on the last Crown point Expedition; and twelve shillings more for the Use of his Gun; and for the Use of M^r Nath^l Smith, Moses Ames and Moses Lyford twelve shillings each for the Use of their Guns which they carried with them respectively into the said Service. [*Passed June 14.*]

CHAPTER 69.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 31/ TO HULDAH HALLOWAY.

A PETITION of Huldah Halloway setting forth that her Son Calvin Halloway about Seventeen years of Age was a Soldier in Capt. Flynts Company in the late Crown point Expedition, that he was taken Sick at Lake George and on his return Sold his Gun, by reason whereof Four pounds hath been Stopped out of his Wages, And (being a poor Widow with eight Children) praying she may be allowed to receive such part of the Sum so stopped as may be thought reasonable.

Read and

Ordered, That the Treasurer be and hereby is directed to pay to Mr Benj^a Hills for the Use of y^e Pet^r thirty One shillings part of the four pounds detained out of y^e Wages of the s^d Calvin on y^e last Crown point Expedⁿ on Acc^o of his Arms not being returned. [*Passed June 14.*]

Legislative
Records of the
Council, xxii.,
50. Mass.
Archives,
lxxvi., 755.

Mass.
Archives,
lxxvi., 754.
House Jour-
nal, pp. 65, 70.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 70.

ORDER ALLOWING £6 TO NATHAN THOMPSON.

A PETITION of Nathan Thompson setting forth that he was a Soldier in the Crown point Expedition 1755, and was in the Detachment under Col^o Williams, who had an Engagement with the Enemy on the 8th day of September in which he received three Shot, and had his left Arm broke thereby, which has been useless ever since; And praying Relief.

Read and

Ordered, That the Prayer of the Petition be so far granted, as that there be allowed and paid out of the Public Treasury to the Pet^r the sum of Six Pounds in Consideration of his sufferings mentioned, over and above what has been Already granted him. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
50. Mass.
Archives,
lxxvii., 103.

Mass.
Archives,
lxxvii., 101, 102.
House Jour-
nal, p. 65.

CHAPTER 71.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO ANGUS FLETCHER.

A PETITION of Angus Fletcher setting forth, that he was a Soldier under Capt. David White in the last intended Expedition against Crown point, that his Gun was put into a Battoe, by order of Major Saltonstall which hapning to be Overset between Sarratoga and the Half Moon his said Gun was lost, and Four pounds hath been stop'd out of his Wages on Account thereof, And praying Relief.

Read and

Ordered, That the Treasurer pay the Petitioner four pounds being the sum stopped out of the Wages due to him on y^e last Crⁿ p^t Expedⁿ on Acco^t of his Arms not being returned. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
51. Mass.
Archives,
lxxvi., 760.

Mass.
Archives,
lxxvi., 759.
House Jour-
nal, p. 72.
Province
Laws, xv., 695,
chap. 416.

Legislative
Records of the
Council, xxii.,
51. Mass.
Archives, lxxv.,
375.

CHAPTER 72.

VOTE ESTABLISHING WAGES ON BOARD PROVINCE SHIP "KING GEORGE."

Mass.
Archives, lxxv.,
374. House
Journal, pp. 70,
71. Province
Laws, iii., 1065,
note; xv., 709,
chap. 449.

Voted, That on the Ship King George, lately built and equipt by this Province to Guard the Coast, being furnished with two more Nine Pounders, the same Establishment of Wages & subsistence be made for twenty five Sea-Men more, with that made for those already allowed for that service. [*Passed June 15.*]

CHAPTER 73.

ORDER CONFIRMING THE PROCEEDINGS AT TOWN & PRECINCT MEETINGS IN BRIDGEWATER.

Legislative
Records of the
Council, xxii.,
52.

House Jour-
nal, pp. 70, 72.
Province
Laws, i., 65,
chap. 28.

A PETITION of Capt. Daniel Howard as Representative of the Town of Bridgewater, and at the desire of the Selectmen of said Town setting forth, that their Town and precinct Meetings have for divers years past been warned by the Constables posting up Notifications for that purpose, but that the said Constables have neglected to make return of their Warrants for so doing as the Law directs; Wherefore to prevent Mischief arising from said defect they pray that the past proceedings of said Town and precinct Meetings may be confirmed any defects mentioned in said petition notwithstanding.

Read and

Ordered that the prayer of the petition be granted, and that the past proceedings of said Town of Bridgewater, and the respective precincts thereof relative to the Choice of Town and precinct Officers, as also all former Votes passed at the several Town and precinct Meetings be and hereby are established and confirmed any defect or defects respecting the Warning of said Meetings and Return of the Warrants therein mentioned notwithstanding. [*Passed June 15.*]

CHAPTER 74.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
52.

Mass.
Archives,
lxxvi., 494;
lxxvii., 49, 50,
80. House
Journal, p. 72.

Ordered that there be allowed and paid out of the publick Treasury to Timothy Ruggles Esq^r for the Use of Damaris Church three pounds five shillings, and for the Use of John Cooper fifty five shillings; To Capt. Ithamar Hubbell for the Use of Maltier Cook three pounds, and for the Use of Stephen Stockwell twenty four shillings; To M^r Daniel Staniford for the Use of Gideon parker fifty three shillings and eight pence; To William Lawrence Esq^r for the Use of William Whitcomb thirty eight shillings; And to M^r Gideon Lyman for the Use of Bildad Searl fifty shillings and eight pence in full Consideration of the Expences on the last Crown point Expedition in their petitions respectively mentioned. [*Passed June 15.*]

CHAPTER 75.

ORDER ALLOWING £3. 6. 9 & A FURTHER SUM OF 42/8 TO W^M BUNDICK
PIERSON.

A PETITION of William Bundick pearson setting forth that he was a Soldier in the Crown point Expedition in the year 1756, that he returned home Sick and was at Expence on Account of his Sickness both on the Road and after he got home; that at Westfield his Gun was Stolen from him in the Night, and that he purchased a good Gun which he returned into the province Store after his return home; And praying Relief.

Read and

Ordered, that there be allowed and paid out of y^e public Treasury to Tho^s Foster Esq^r for y^e Use of y^e Pet^r the sum of three pounds six Shillings and Nine pence in Consideration of his Expences in his sickness and the further sum of forty two shillings & eight pence for y^e Loss of his Gun Mentioned. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
52. Mass.
Archives,
lxxvii., 121.
Mass.
Archives,
lxxvii., 120.
House Jour-
nal, p. 73.

CHAPTER 76.

ORDER APPOINTING A COMMITTEE FOR BURNING GOVERNMENT
SECURITIES.

In the House of Representatives;

Ordered that M^r Speaker, James Russell Esq^r and Col^o Quincy with such as the honourable Board shall join, be a Committee to repair to the Treasurers in the Recess of the Court, take an Account of the Government Securities now in his hands, see the same Consumed to Ashes, give the Treasurer proper discharges for the Same, and report thereon at the next Sitting of the Court.

In Council; Read and Concurred, and John Osborne, Jacob Wendell and William Brattle Esq^{rs} are joined in the Affair. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
53.
House Jour-
nal, p. 72.

CHAPTER 77.

VOTE IN REGARD TO A CERTIFICATE TO EXEMPT SOLDIERS FROM THE
POLL TAX.

WHEREAS there was a Vote of the General Court passed Feby^r. 18. 1756. That the Officers & Soldiers that should go into his Majesty's Service in the proposed Expedition to Crown point, should not be taxed for their polls that year; and that the several Towns that furnished such Officers and Soldiers in said year upon their producing a Certificate under Oath to the province Treasurer that the persons therein named were Actually in the Service they shall receive an equivalent for said Taxes out of the publick Treasury; But no mention is made in said Vote, who shall give said Certificate.

Voted, That said Certificate may be given either by the Major part of the Assessors of each Town or District which furnished said Officers or Soldiers, or the Captains of the Military Companies

Legislative
Records of the
Council, xxii.,
53.
House Jour-
nal, p. 74.
Province
Laws, xv., 442,
chap. 280.

in Said Towns or Districts, or from the Captains or Commanders in the said Expedition; provided it be from the individual Commanders which such Soldiers belonged to; or from General Winslow; provided such Certificate shall be given under Oath. [*Passed June 16.*]

CHAPTER 78.

ORDER ON THE PETITION OF JACOB HOLYOKE IN REGARD TO THE SETTLEMENT OF AN ESTATE.

Legislative
Records of the
Council, xxii.,
54.

House Jour-
nal, pp. 66, 73,
74.

A PETITION of Jacob Holyoke, setting forth that more than Fifteen years since Dudson Kilcup of Boston Shopkeeper became Bankrupt, whereupon the Majority of the Creditors chose the petitioner Trustee to receive and distribute the said Dudson's Effects; and that he accordingly received of the same to a considerable Amount, which he is ready to distribute; but that divers of the Creditors have never exhibited their Claims, whereby he is impeded in the Settlement of said Dudson's Affairs, And praying the Aid of this Court.

[Read and]

Ordered that the prayer of this petition be so far granted, that on the petitioner's paying & distributing equally between such of the Creditors of the said Dudson as were so at the time of said Money and Effects being deposited in the petitioners hands, their Executors and Administrators, and still remain unpaid, and shall have brought in their Claims on or before the first day of December 1757, in such Average and proportion as that equal Justice may be done between such Creditors; the petitioner shall be discharged from and acquitted of all demands of the said Dudson and his Creditors their Executors and Administrators against the petitioner his Executors and Administrators so far as concerns the Effects and Monies deposited in his hands as aforesaid. provided the petitioner publish in two of the Boston News papers for three succeeding Weeks the Substance of the petition and this Order. And provided also he shall make the distribution and payments aforesaid within the Space of thirty days next after said first day of December AD, 1757. and demand made by the Creditors respectively. [*Passed June 16.*]

CHAPTER 79.

ORDER FOR A TRANSFER OF £200 FROM THE APPROPRIATION WHERE THERE IS NO ESTABLISHMENT TO THE APPROPRIATION FOR THE COMMITTEE OF WAR.

Legislative
Records of the
Council, xxii.,
54.

Executive
Records of the
Council, xlii.,
271. House
Journal, p. 76.

Ordered that there be a Transfer of the sum of Two hundred pounds from the Appropriation where there is no Establishment, to the Appropriation for the Committee of War, in order to their furnishing the Forces under the Command of Col^o Frye with Molasses and to defrey the Charges of Transportation, And that the Treasurer govern himself accordingly. [*Passed * June 16.*]

CHAPTER 80.

VOTE AUGMENTING THE GARRISON AT CASTLE WILLIAM.

Voted, That there be an Augmentation of fifty private Soldiers allowed for his Majesty's Castle William And of two Gunner's Mates To be on the like Establishment with those who are at present there, Also of One second Lieutenant who shall receive four pounds Wages ~~p~~ month, This Establishment to be for a term not exceeding three months from this time. [*Passed June 16.*]

Legislative
Records of the
Council, xxii.,
55. Mass.
Archives,
lxxvii., 135.
House Jour-
nal, p. 74.
Province
Laws, xv., 541,
chap. 29.

CHAPTER 81.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO BENJA WOODMAN.

A PETITION of Benjamin Woodman, setting forth that he was a Soldier in the late Crown point Expedition, and was very Sick and Weak on his return home, and being obliged to lodge in a Barn at Green Bush with a number of other Men, He missed his Arms in the morning, and could never hear of them since, Therefore praying he may be allowed to receive out of the Treasury the Four pounds which has been stopped out of his Wages on Account of his Gun's not being returned.

Read and

Ordered, That the Treasurer pay to Daniel Epes jun^r Esq^r for the use of the Pet^r four pounds, the sum Stopped out of the Wages due to him on the last Crown-point Expedition, on acco^t of his Arms not being returned. [*Passed June 16.*]

Legislative
Records of the
Council, xxii.,
55. Mass.
Archives,
lxxvii., 125.
Mass.
Archives,
lxxvii., 125.
House Jour-
nal, p. 75.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 82.

ORDER ALLOWING £9. 16. 6 TO MOSES DESHON.

A PETITION of Moses Deshon, setting forth, That he served as a Major in the late Crown point Expedition from the 18th February to 25 September, during the whole of which time he was upon duty, save only when prevented by the Act of God, or absent by permit in writing from General Lyman; for all which Service he has been allowed no more than Forty pounds, and praying a further Allowance both for his Service and Travelling Charges homeward.

Read and

Ordered, That there be allowed and paid out of the Public Treasury to the Petitioner the sum of Nine Pounds sixteen Shillings and six pence in Addition to what was allowed him the 16th of April last, And in full of All Accounts. [*Passed June 16.*]

Legislative
Records of the
Council, xxii.,
55. Mass.
Archives,
lxxvii., 128.
Mass.
Archives,
lxxvii., 126.
House Jour-
nal, pp. 70, 76.
Province
Laws, xv., 740,
chap. 527.

CHAPTER 83.

ORDER DIRECTING THE COMMISSARY TO PAY $5/4$ PER WEEK IN PROVISIONS, &c, FOR ONE YEAR TO KATHARINE LOSH.

Legislative
Records of the
Council, xxii.,
56. Mass.
Archives,
lxxvii., 130.

Mass.
Archives,
lxxvii., 129.
House Jour-
nal, pp. 75, 76.

A PETITION of Katharine Losh setting forth that her Husband Casimire Losh was in May last killed by the Indians at Broad Bay, whereby She and her Children are left in distressing Circumstances, And praying the Compassionate Consideration of the Court.

Read and

Ordered, That the Commissary M^r Leissner be and hereby is directed to deliver to the Petitioner five Shillings & four pence p week in Provisions and other Necessaries at the rate he delivers the same Articles to y^e Soldiers in pay of this Government, for the Term of One year from this time and No longer. [*Passed June 16.*]

CHAPTER 84.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
56.

Mass.
Archives,
lxxvi., 577;
lxxvii., 40, 43,
44, 56, 61, 69, 70,
88. Executive
Records of the
Council, xlii.,
267. House
Journal, p. 76.

Ordered That there be allowed and paid out of the publick Treasury to Capt. James Barrett for the Use of peter prescott Eight pounds twelve shillings and eight pence, and for the Use of Timothy Barrett forty two shillings and eight pence; To Capt. Nathaniel Smith for the use of Jedidiah Lyon Four pounds and for the use of Samuel pratt forty shillings; To Capt. Peter Coolidge for the Use of Daniel Taylor Ten pounds ten shillings; To Capt. Henry King for the Use of Jonathan Jacobs Four pounds; To Capt. Ephraim Spaulding for the Use of Ebenezer Gould Four pounds ten shillings: To M^r Samuel King for the Use of Joseph Blodget Three pounds Six shillings; and to Josiah Johnson Esq^r for the Use of pearson Richardson forty seven shillings and four pence in full Consideration of the Expences on the late Crown point Expedition in their respective petitions mentioned. [*Passed * June 16.*]

CHAPTER 85.

ORDER ACCEPTING REPORT OF COM^{TEE} ON RECEPTION OF GOV^R POWNALL AND APPOINTING A NEW COMMITTEE THEREON.

Legislative
Records of the
Council, xxii.,
56. Mass.
Archives, l., 51.

Mass.
Archives, l.,
48–52. Legisla-
tive Records of
the Council,
xxii., 50.
House Jour-
nal, p. 78.

THE COMMITTEE appointed to consider of the suitable Reception of Governor Pownall reported That upon Advice of the Governors Arrival at New York, and of the time he may probably be within the Limits of this Government the Secretary repair thither and wait upon him to Boston, And that his Majesty's Council be desired to give Orders to the Colonel of the Troop of Guards with such Detachment therefrom as they shall judge best to repair thither and escort him to Boston; That they be likewise desired to give orders to the Colonel of the Boston Regiment, that they appear in Arms on the said Occasion, That there be a Committee of both Houses appointed to receive and Congratulate the Governor at the Council Chamber.

But in Case He should come by Water that the Secretary of the province And the Sheriff of the County of Suffolk wait on him either at his Majesty's Castle William or on board the Ship in which he may Arrive and conduct him to the Council Chamber.

That a Dinner be provided for the Governor; That his Majesty's Council, a Committee of the House and such of their Members as shall be then present; the Field officers of the Regiment of Boston, the Colonel of the Guards, the Sheriff of the County of Suffolk, the Chaplains of both Houses and such of the Governors Company as he shall please to invite, dine with him, and that Tickets be delivered accordingly.

[all which is humbly submitted by order

W^m PEPPERRELL.]¹

In Council Read and accepted and

Ordered that S^r William Pepperrell, John Osborne Jacob Wendell, Samuel Watts Andrew Oliver, Thomas Hutchinson, Isaac Royall, John Erving William Brattle, and James Bowdoin Esq^{rs} with such as the honourable House shall appoint be the Committee for the purposes mentioned in the foregoing Report.

In the house of Rep^s

Read and Concurred; And M^r Speaker, M^r Flucker, M^r Gridley M^r Tyng, M^r Prat, Ja^s Russell Esq^r Col^o Jones, Col^o Buckminster, M^r Bordman, M^r Sparhawk & Col^o Quincy are joined in y^e Affair. [*Passed June 16.*

CHAPTER 86.

VOTE DIRECTING THE PROVINCE TREASURER NOT TO INCUR OBLIGATIONS TO BE REDEEMED OUT OF £15,200 FUND.

Voted that the province Treasurer be and he hereby is directed not to borrow any Money or issue his Notes therefor, to be redeemed out of the Fund of Fifteen thousand two hundred pounds, laid upon the present Year, till the further order of this Court. [*Passed June 16.*

Legislative
Records of the
Council, xxii.,
57.

House Jour-
nal, p. 77.
Province
Laws, iv., 19,
chap. 3; 94,
note.

CHAPTER 87.

ORDER ALLOWING £6. 7. 1 TO DANIEL MERRIT AND £3. 3. 1 TO JAMES POOLE.

Ordered that there be allowed and paid out of the publick Treasury to John Bradbury Esq^r for the Use of Daniel Merrit the sum of Six pounds seven shillings & one penny; And to Ebenezer Nichols Esq^r for the Use of James Poole Three pounds three shillings and One penny, in Consideration of the Sufferings and Expences in their petitions mentioned, whilst in the Service on the last Crown point Expedition. [*Passed June 16.*

Legislative
Records of the
Council, xxii.,
57.

Mass.
Archives,
lxxvii., 46.
House Jour-
nal, p. 77.

¹ Inserted from Mass. Archives, 1., 51.

CHAPTER 88.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £2.10 TO DAN^L
BREWER AND £2 TO SOL^O WHITNEY.

Legislative
Records of the
Council, xxii.,
57.

House Jour-
nal, p. 77.
Province
Laws, xv., 456,
chap. 320.

Ordered that the Treasurer pay to Capt. James Barrett for the use of Daniel Brewer fifty shillings, and for The Use of Solomon Whitney forty shillings being the half pay they were respectively intitled to on their reinlisting into the Service on the last Crown point Expedition which was omitted in the Muster Rolls of the Companies they belonged to. [*Passed June 16.*]

CHAPTER 89.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxii.,
58.

House Jour-
nal, p. 77.

Resolved that all Matters that had day at the present sitting of this Court, and have not already been, or shall not be passed on before the Court rise, be referred and have the same day at their next Sitting. [*Passed June 16.*]

CHAPTER 90.

VOTE DESIRING A PUBLIC FAST.

Legislative
Records of the
Council, xxii.,
58. Mass.
Archives, xiv.,
20.

House Jour-
nal, pp. 79, 80.
Love's Fast
and Thanks-
giving Days
of New Eng-
land, p. 498.

CONSIDERING the Frowns of Divine Providence upon our nation & Land, & upon this Province in Particular, not only Relating to the distressing war we are Engaged in and the many burdens the People are Labouring under, but more Especially Considering the Frowns of Divine Providence in the Terible droughth by which God is threatening utterly to Cutt off the farmers harvest in a great part of this province & to Visit us with great scarcity. we are Loudly Called upon to humble our selves before God for our many sins & to Seek a Speedy Reconciliation to him

Voted that the Honorable his majestys Councell be desired to appoint as soon as may be Convenient, a day of Publick fasting and Prayer to Implore Gods mercy in the forgivness of ¹ our sins and Earnestly seek to him for y^e Great blessing of a Plentifull Rain whereby the Languishing fruits of the Earth may be Revived, & there may Yet be food for man & beast. and that God wo'd prosper our armies & fleets & Restore to us an honourable & Lasting Peace and above all Reign down Righteousness upon us that we may become a Penitent Reformed & so a happy People & y^t all servile Labour & Recreation be forbidden on said day.² [*Passed * June 16.*]

¹ *Sic.*

² The fast was appointed for June 30th, 1757, and was public.

CHAPTER 91.

ORDER IMPOWERING TIMOTHY FITCH TO EXPORT FISH TO TENERIFFE.

A PETITION of Timothy Fitch of Boston Merchant, praying liberty to export a Cargo of Fish to Teneriffe.

Read and

Ordered that the Prayer of the Petⁿ be granted and that the Petitioner be and hereby is allowed to Export the Fish within mentioned for Teneriffe he giving Bond respecting the same agreeable to Act of Parliament. [*Passed June 16.*]

Legislative
Records of the
Council, xxii.,
59. Mass.
Archives, lxx.,
377.
Mass.
Archives, lxx.,
376. House
Journal, pp. 78,
79 *dis.*

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTEENTH DAY OF AUGUST, A.D. 1757.

CHAPTER 92.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £111,855. 1. 4.

Legislative
Records of the
Council, xxii.,
65.

House Jour-
nal, pp. 87, 88.
Ante, p. 37,
chap. 76.

JOHN OSBORNE Esq^r by order of the Committee appointed 15th June, to take an Account of the Government Securities which had been redeemed by the Treasurer, and see the same burnt Reported That they had received of M^r Treasurer Gray, Securities that were payable 10th May. 1756. Amounting to Two thousand one hundred and Ninety pounds Nine shillings, the Interest paid thereon One hundred sixteen pounds eleven shillings making in the whole Two thousand three hundred and seven pounds; Also Government Securities that were payable 1 December. 1756. Amounting to Four thousand four hundred and twenty three pounds ten shillings and two pence, the Interest paid thereon two hundred eighty eight pounds eighteen shillings and four pence, making in the whole Four thousand seven hundred and twelve pounds eight shillings and six pence, Also Government Securities that will be due 10 June. 1758. Amounting to Five thousand seven hundred seventy one pounds twelve shillings and ten pence, the Interest paid thereon One hundred & three pounds and five pence making in the whole Five thousand eight hundred and Seventy four pounds thirteen shillings and three pence; Also Government Securities that were due 2^d June, 1757, Amounting to Nine thousand two hundred ninety four pounds twelve shillings and three pence, the Interest paid thereon Three hundred fifteen pounds three Shillings and five pence making in the whole Nine thousand six hundred and nine pounds fifteen shillings and eight pence; Also Government Notes that will be due 2^d June, 1758. redeemed without Interest, Amounting to Ten Thousand pounds; Also Forty thousand pounds Securities given his Excellency Governor Shirley redeemed without Interest: Also Government Notes payable in December. 1751. Twelve pounds, the Interest paid thereon One pound five shillings and five pence; Also Government Notes payable 1 May 1755. Amounting to One hundred and forty pounds, the Interest paid thereon Eighteen pounds eleven shillings, makes One hundred fifty eight pounds eleven shillings; Also Government Notes payable in January. 1752. Amounting to One hundred sixty seven pounds ten shillings, the Interest paid thereon Thirty two pounds five shillings and Nine pence makes One hundred ninety nine pounds fifteen shillings & nine pence; Also Government Notes

payable 1st January, 1757. Amounting to twelve thousand four hundred Ninety three pounds eight shillings and five pence, the Interest paid thereon Eight hundred thirty three pounds four shillings and ten pence makes Thirteen thousand three hundred twenty six pounds thirteen shillings and three pence, Also Government Notes payable 30 June, 1757. Amounting to two thousand four hundred Ninety three pounds Six shillings and five pence; Interest paid thereon One hundred and five pounds eighteen and two pence, makes in the whole Two thousand five hundred Ninety nine pounds four shillings and seven pence; Also Government Securities that are payable 1st June, 1757 Amounting to Five thousand six hundred twenty seven pounds one shilling and eight pence, the Interest paid thereon Three hundred sixteen pounds eleven shillings and eight pence, making in the whole Five thousand nine hundred and forty three pounds thirteen shillings and four pence; Also Government Securities payable 10 June, 1757. Amounting to Sixteen thousand one hundred and Nine pounds five shillings and three pence, the Interest paid thereon One thousand pounds fifteen shillings and four pence making in the whole Seventeen thousand one hundred & ten pounds and seven pence; All which sums Amounting to One hundred and eleven thousand eight hundred fifty five pounds one shilling and four pence which we had seen burnt and consumed to Ashes.

Read and

Ordered that this Report be Accepted and that the Treasurer be discharged of the said several Sums accordingly. [*Passed August 17.*]

CHAPTER 93.

ORDER OF NOTICE ON THE PETITION OF WILL^M GREGORY TO CORRECT A MISTAKE OF FACT IN A JUDGMENT.

A PETITION of William Gregory setting forth that on the 7th day of March, 1754. Joshua Prebble and Abraham Prebble being indebted to the petitioner Nine pounds twelve shillings gave him their Note therefor payable with Interest, and on the 16 March, 1755. paid him Sixteen shillings and eight pence in part of said Note, and that in order to recover the remainder he brought an Action against them at the Inferiour Court for the County of Suffolk in April, 1756 where the said Joshua and Abraham made default, and judgment made up for Three pounds four shillings only, instead of Ten pounds one shilling, occasioned by the Clerk of the Court mistaking the figure 9 for 3. That the mistake was never discovered till the Defendants were taken upon the Execution, and that he is without remedy without the Aid of this Court; And praying Relief.

[Read and]

Ordered that the petitioner serve the adverse party Joshua Prebble and Abraham Prebble with an attested Copy of this Petition that they shew cause (if any they have) on the second Friday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed August 17.*]

Legislative
Records of the
Council, xxii.,
68.

House Jour-
nal, p. 89.

CHAPTER 94.

ORDER CONFIRMING THE PROCEEDINGS OF THE TOWN MEETING OF
THE SECOND PRECINCT IN BERWICK.

Legislative
Records of the
Council, xxii.,
64.

House Jour-
nal, p. 90.

A PETITION of Daniel Libby, William Hooper & Joshua Roberts all of the second parish in Berwick in the County of York and Assessors of the same parish for themselves and in behalf of said parish setting forth that the said parish have ever in the Month of March annually chosen assessors and other parish officers according to Law; at which time they have also Voted their Assessors to be a Committee to call parish meetings Save that in March, 1757. it so happen'd that no such Committee was chosen, but the same persons being then chosen Assessors who had been so the preceeding year; they as occasion required notified a parish meeting in order to raise money to pay their ministers Salary, and to defrey other parish Charges, and a Vote passed at the Meeting so called, Viz^t on the 18 April. 1757. to raise monies for the purposes aforesaid, And as the legality of said meeting may be questioned praying that the doings of said parish in their meeting aforesaid may be confirmed.

Read and

Ordered that the prayer of the petition be granted and that the Votes of the said parish passed on the 18th of April last, as also the Committee then chosen be and hereby are confirmed to all Intents and purposes whatsoever as fully as though they had been chosen in the Month of March. [*Passed August 18.*¹]

CHAPTER 95.

ORDER IMPOWERING SILAS GATES, ADM^r, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxii.,
70. Mass.
Archives, xix.,
604.

Mass.
Archives, xix.,
603. House
Journal, pp. 88,
92. Province
Laws, xv., 646,
chap. 290.

A PETITION of Silas Gates of Stow setting forth that his late Wife as Administratrix on the Estate of Thomas Wheeler of said Stow deceased had obtained liberty of this Court to make Sale of the Said Thomas's Real Estate That she had accordingly Sold the same to Stephen Houghton, but died before she had executed a Deed thereof; That he the said Silas is now appointed Administrator on said Wheeler's Estate, And praying that he may be empowered to execute a Deed of the Land agreeable to the Contract made with the said Houghton for the same.

Read and

Ordered, That the prayer of this Petⁿ be granted; and y^t he be and hereby is empowered in his said Capacity of Admin^r to make and execute in due form of Law a good and sufficient Deed of Conveyance to the said Stephen Houghton of the premisses sold him by the said Administratrix dec^d the Pet^r giving sufficient Caution to the Judge of probate for the County of Midd^x to be Accountable for the proceeds of s^d Sale. [*Passed August 19.*]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is August 17.

CHAPTER 96.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO JASHER SOUTHWORTH.

A PETITION of Jasher Southworth of Duxborough, setting forth that he was a Soldier in the late Crown point Expedition, and that he returned his Arms into the Store at Lake George notwithstanding which there hath been Four pounds Stopped from his Wages on Account of his Arms And praying Relief.

Read and

Ordered that the prayer of the petition be granted, and that the Treasurer be and hereby is directed to pay the petitioner the sum of Four pounds deducted from the Wages due to him on Account of his Arms not being returned. [*Passed August 19.*]

Legislative
Records of the
Council, xxii.,
71.

House Jour-
nal, pp. 93, 94.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 97.

ORDER IMPOWERING RICHARD CUTT & TIM^O GERRISH, ADM^{RS}, TO SELL PART OF AN ESTATE TO PAY DEBTS.

A PETITION of Richard Cutt & Timothy Gerrish Administrators on the Estate of Samuel Mitchell late of Kittery deceased, setting forth, that the Creditors Claims on the said Estate Amount to Forty three pounds eleven shillings and four pence more than the personal Estate of said deceased, and the Land sold by order of the Superiour Court will discharge, and as it will be ten months before the Superiour Court will sit again in the County of York; praying liberty to sell so much of the deceased's Real Estate as will pay the sum aforesaid, and the Charges that may Accrue on the Sale.

Read &

Ordered that the Prayer of the Petition be granted, and the Petitioners are allowed to sell so much of the Real Estates of the said Deceas'd as shall be sufficient for the Purpose within mentioned, to such Person or Persons as shall give most for the same And that they account for the Produce thereof with the Judge of Probate for the County of York; Provided before such Lands be sold they post up Notifications thereof agreeable to the Law for empowering Exec^{rs} & Admin^{rs} to make Sale of Real Estates. [*Passed August 19.*]

Legislative
Records of the
Council, xxii.,
71. Mass.
Archives, xix.,
610.

Mass.
Archives, xix.,
609. House
Journal, p. 96.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 98.

ORDER IMPOWERING LYDIA FINNEY, ADM^X, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Lydia Finney of Norton Widow & Administratrix of Abijah Finney deceased, setting forth that the deceased's personal Estate is insufficient to pay his just Debts by £68.9.5. That his Real Estate was Apprized at £162.18.8, that when her Dower in the same is Set off, the remaining two thirds will not make a convenient Settlement; And praying liberty to sell the

Legislative
Records of the
Council, xxii.,
71. Mass.
Archives, xix.,
601.

Mass.
Archives, xix.,
600–602. House

Journal, pp. 89,
94, 95. Prov-
ince Laws, II.,
151, chap. 10.

whole or so much of it as will enable her to discharge the de-
ceaseds Debts.

Read and

Ordered That the prayer of the Petition be so far granted, as
that the Petitioner in her said Capacity be and hereby is Author-
ized, and Impowered to make Sale of the Real Estate in said peti-
tion mentioned for the most the same will fetch she observing the
Law respecting the Sale of Real Estates by Executors and Admors.
and to make and Execute a good deed or deeds for Conveyance
thereof, she giving Sufficient Caution to the Judge of Probates for
the County of Bristol that the proceeds arising by such Sale (after
the Just debts and Charges are paid) be Secured for the proper
Heirs Agreeable to Law. [*Passed August 19.*]

CHAPTER 99.

VOTE ESTABLISHING PAY & SUBSISTENCE FOR 200 MEN ON THE WEST- ERN FRONTIERS.

Legislative
Records of the
Council, xxii.,
72. Mass.
Archives,
lxxvii., 206.

House Jour-
nal, p. 97.
Province
Laws, xv., 708,
chap. 448.

Voted, that pay & subsistence as marching or Scouting Forces be
allowed to two hundred men including Officers for the Defence &
protection of the Western Frontiers in addition to the Forces already
employed in that Service the Head Quarters of seventy of said men
to be at Fort Massachusetts which will make with those already posted
there One hundred including one Captain one Lieutenant one Ensign
four Sargeants four Corporals & one Drummer the Head Quarters
of Ninety others of said men to be at the Block-house at West Hoo-
suck which will make with those already posted there One hundred
including one Captain one Lieuten^t one Ensign four Sergeants four
Corporals & one Drummer, and the Head Quarters of sixteen others
of said men to be at Charlemont viz^t ten at Rice's Garrison and Three
at each of the other Garrisons & the head Quarters of the other
Twenty four to be at Pontoosuck viz twelve at Williams Garrison
& twelve at Goodrich's Garrison the pay & subsistence aforesaid to
continue untill the first of October next & no longer.

And that His Excellency the Cap^t General be desired to give
Orders that the aforesaid men be raised by Inlistment. [*Passed
August 19.*]

CHAPTER 100.

VOTE IN REGARD TO ENTERING ACTIONS IN THE INFERIOR COURT OF COMMON PLEAS FOR WORCESTER COUNTY.

Legislative
Records of the
Council, xxii.,
73.

House Jour-
nal, p. 95.
Province
Laws, iii., 64,
chap. 32.

WHEREAS the Inferiour Court of Common pleas which was to
be holden at Worcester within and for the County of Worcester on
the third tuesday of August current, by reason that the people who
had business at said Court were gone into the publick Service, was
adjourned to the second tuesday of September next, and inasmuch
as the Actions that were brought to said Court, were not on said
third tuesday of August entered Therefore

Voted That the Justices of the Said Inferiour Court, be and
hereby are impowered to suffer such Actions as were not entered

on said third tuesday of August, to be entered at the Adjournment on the first day of the Sitting of said Court, and that the Entries that shall be so made be deemed valid and sufficient to all Intents and purposes, as if made on the third tuesday of August current, agreeable to Law. [*Passed August 19.*]

CHAPTER 101.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF ESSEX AND ALLOWING £2.10 FOR THE EXPENSE THEREOF.

BENJAMIN LYNDE Esq^r from the Committee for farming the Excise on Spirituous Liquors in the County of Essex, Reported that they had Sold the same to M^r Jacob Ashton for Sixteen hundred thirty seven pounds six shillings and eight pence, and prayed Allowance for their time and Expence Fifty shillings.

Read and

Ordered that this Report be Accepted; and that there be allowed and paid out of the publick Treasury to the said Committee the sum of Two pounds ten shillings in discharge of their account of time and Expences exhibited. [*Passed August 20.*]

Legislative
Records of the
Council, xxii.,
73.

House Jour-
nal, p. 96.
Province
Laws, xv., 661,
chap. 327.

CHAPTER 102.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO WARD NOYES.

A PETITION of Ward Noyes Surgeon's Mate in the late Crown point Expedition, setting forth that his Gun was stolen from his Tent while he was Visiting the Sick; And praying that he may have an Order to receive the Four pounds deducted from his Wages on Account of his Gun's not being returned.

Read and

Ordered, That the Treasurer pay to John Osgood Esq^r for the use of the Pet^r the four pounds deducted out of his Wages on the last Crown point Expedition on acc^o of his Arms not being returned. [*Passed August 20.*]

Legislative
Records of the
Council, xxii.,
73. Mass.
Archives,
lxxvii., 37.

Mass.
Archives,
lxxvii., 37.
House Jour-
nal, pp. 94, 96.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 103.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO JOHN HUSTON.

A PETITION of John Huston a Soldier in the late Crown point Expedition, setting forth that on his return home he was taken Sick on account whereof he was at considerable Expence, and during his Sickness lost his Money and Cloaths, as also his Gun, for which Gun there has been Four pounds stopped out of his Wages; And praying Relief.

Read and

Legislative
Records of the
Council, xxii.,
74. Mass.
Archives,
lxxvii., 154.

House Jour-
nal, p. 96.
Province
Laws, xv., 695,
chap. 416.

Ordered, That the Treasurer pay to Joseph Sayer for the use of the Petitioner the four pounds deducted from the Wages due to him on the last Crown point Expedition on Acc^o of his Arms not being returned. [*Passed August 20.*]

CHAPTER 104.

ORDER IMPOWERING MEHETABEL BABBIGE, ADM^x, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
74. Mass.
Archives, xix.,
616.

Mass.
Archives, xix.,
612–615. House
Journal, pp. 86,
97, 99. Prov-
ince Laws, ii.,
151, chap. 10.

A PETITION of Lydia Babbidge, John Babbidge & others the Children, Grand children and Coheirs of Christopher Babbidge late of Salem Cordwainer deceased, setting forth that the said Christopher died seized of a Real Estate of the value of Two hundred & thirty one pounds lawful money and a personal Estate appraised at Forty pounds, that the deceaseds Debts amount to more than the value of said personal Estate; that two thirds of the Real Estate consists of a House, Barn and about Sixty poles of Land; that the Buildings are much out of repair & going to decay, and likewise incapable of being divided among the several Heirs; That they have therefore by themselves and by the Guardians of such of them as are Minors agreed upon a Settlement and division of the whole Estate provided they may have liberty to Sell the said Buildings and Land thereto belonging, And praying that Mehetabel Babbidge one of the petitioners and Administratrix of the said Christophers Estate may be empowered to make Sale of Said Estate in order to carry the said Agreement into Effect;

Read and

Ordered that the prayer of this Petition be Granted; and that the Petitioner Mehetabel, in her said Capacity of Administratrix, be, and hereby is, Impowred to Sell the said House and Land adjoining, for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds of Conveyance thereof in due form of Law she observing the direction of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Essex for paying the Debts of the said Intestate as mentioned, and for Securing to the Minor heirs their proportions of the said Estate according to the Agreement of the Heirs now of Age, and the Guardians of the said Minors therein mentioned which Agreement said Judge of Probate is hereby authorized to Conform himself to in his Settlement and Distribution of said Estate. [*Passed August 20.*]

CHAPTER 105.

VOTE ESTABLISHING PAY AND SUBSISTENCE FOR FORTY TWO MEN ON THE EASTERN FRONTIERS AND ORDER DIRECTING THE COMMISSARY GENERAL TO SEND PROVISIONS TO BROAD BAY.

Legislative
Records of the
Council, xxii.,
75. Mass.
Archives,
lxxvii., 207.

Voted That forty two men more of the Inhabitants of the following Towns be put into the pay and Subsistence of the Government, to Commence at the time of their Inlistment and to Continue untill the first day of October next & no longer, viz^t twelve at Lebanon

one of Whom to be a Sergeant, twelve at Phillips Town one of whom to be a Sergeant twelve at Naraganset N^o One, One of whom to be a Sergeant, and Six at Peirson and Hobbs Town and that his Excellency the Captⁿ General be desired to give Orders that two Swivel Guns, half a barrell of powder, with Lead & Shot in proportion be sent to Moses Peirson Esq^r at Falmouth Casco bay for the use of the Garrison at Peirson and Hobbs Town (so Called) said Peirson to be Accountable therefor and that The pay & Subsidance aforesaid be divided among the Inhabitants, of the respective Towns,

House Journal, pp. 93, 100.
Province Laws, xv., 707, chap. 448.
Ante, p. 18, chap. 28.

And in Answer to the Petition of the Inhabitants of Broad Bay.

Ordered That the Commissary be directed to Send to Christopher Leissner there Indian Corn to the Value of Forty Pounds to be distributed among the most necessitous of said Inhabitants at his discretion. [*Passed August 20.*]

CHAPTER 106.

VOTE DIRECTING THE COMMISSARY GENERAL TO FURNISH SOLDIERS FROM FORT W^m HENRY WITH PROVISIONS.

WHEREAS many of the Soldiers that were at the Siege at Fort William Henry are returned to Boston, and others are daily returning under such Circumstances that they are not Able to support themselves untill they can get to their respective places of Abode; Therefore

Legislative Records of the Council, xxii., 76. Mass. Archives, lxxvii., 217.

Voted, That the Commissary General be directed to furnish such Soldiers as shall apply to him, with a suitable Allowance of Provision in Order to support them untill they return to their respective places of Abode, accounting fifteen miles for a day's Travel, The said Commissary to take an Account of the names of such Soldiers, the Company they belong to, and the Quantity of Provision he shall Furnish them with. [*Passed August 22.*]

House Journal, p. 102.

CHAPTER 107.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF BARNSTABLE AND ALLOWING 40/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Spirituous Liquors for the County of Barnstable the Current year having attended that Service and Farmed the Same to M^r Nathaniel Little of Marshfield for one hundred Sixty & Six pounds thirteen shillings & 4^d.

Legislative Records of the Council, xxii., 77. Mass. Archives, cxx., 185.

And have taken his Bond with Sufficient Security therefor which they have delivered to the Province Treasurer And the said Committee Pray the following allowance for their Service and Expenses herein

Mass. Archives, cxx., 185. House Journal, p. 103. Province Laws, xv., 662, chap. 332.

All which is humbly Submitted

SILVANUS BOURN p^r order

Read and

Ordered That this Report be Accepted; And That there be allowed and paid out of the public Treasury to the said Committee the sum of forty Shillings, in full discharge of their Account of Time and Expences exhibited. [*Passed August 23.*]

CHAPTER 108.

ORDER IMPOWERING JOSEPH WILLIAMS, ESQ^R, GUARDIAN, TO SELL PART OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
78. Mass.
Archives, xix.,
619.

House Jour-
nal, pp. 99, 105.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Joseph Williams Esq^r Guardian to Anne Dudley a minor, daughter of William Dudley Esq^r deceased, setting forth, That the said minor stands Seized of One Moiety of a Dwelling house and Land in Newbury Street measuring fifty two feet front; That the said House is much out of Repair and in danger of falling down; And praying liberty to sell the same.

Read and

Ordered That the Prayer of this Petition be granted; and that y^e Pet^r be, and hereby is empowered to make Sale of the said Minor's part of the house & Land mentioned to such person or persons as shall appear willing to give most for the same, he giving public Notice of the time of such sale agreeable to the directions of the Law respecting the sale of Real Estates by Exec^{rs} & Admin^{rs} & to make and execute in due form of Law a good and sufficient Deed or Deeds of Conveyance thereof, he giving sufficient Caution to the Judge of Probate for the County of Suffolk for securing the proceeds of such Sale for the use of said Minor according to Law. [*Passed August 24.*]

CHAPTER 109.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £6. 15 TO ABRAHAM CROWLEY.

Legislative
Records of the
Council, xxii.,
78.

Mass.
Archives,
lxxvii., 62.
House Jour-
nal, pp. 33, 105,
106.

A PETITION of Abraham Crowley of Attleborough, setting forth, That he was one of the last Recruits raised for the Crown point Expedition in 1756. That he proceeded as far as Still Water and there tarried between two and three Months, but not being put into any Company, he is not made up in any Muster Roll so that without the Aid of this Court he cannot draw any pay; And praying Relief.

Read and

Ordered That the Treasurer pay to M^r Josiah Maxey for the use of the petitioner the sum of Six pounds fifteen shillings in full for his Wages on the last Crown point Expedition, and Billeting on his return home as mentioned. [*Passed August 24.*]

CHAPTER 110.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF DUKES COUNTY AND ALLOWING 30/ FOR THE EXPENSE THEREOF.

THE COMMITTEE for farming the Excise on Spirituous Liquors in Dukes County Reported, That they had farmed the same to Capt. Samuel Cobb of Tisbury for Nineteen pounds six shillings and eight pence; And prayed Allowance for their time and Expence therein Thirty shillings.

Read and

Ordered that this Report be Accepted; and that there be allowed and paid out of the publick Treasury to the Said Committee Thirty shillings in full discharge of their Account of time and expences exhibited. [*Passed August 24.*]

Legislative
Records of the
Council, xxii.,
78.

House Jour-
nal, p. 102.
Province
Laws, xv., 663,
chap. 335.

CHAPTER 111.

VOTE DIRECTING THE PROVINCE TREASURER TO INDORSE CERTAIN BILLS TO THE CHAIRMAN OF THE COM^{TEE} OF WAR.

WHEREAS Robert Sanders of Albany Esq^r at the desire of the Committee of War has advanced several sums of Money for freight of Goods to Albany, as well as transporting them from thence to the Forts Edward and William Henry and hath engaged to furnish some of the Forces of this province, who are returning home with Cloathing; and Messieurs Isaac & Nicholas Gouverneurs of New York have also purchased and forwarded to Albany Wine and Soap for the Use of the Men raised by this Government under his Excellency the Earl of Loudoun, for which the Committee of War stand chargeable; And as John Foye Esq^r hath lately sold to Christopher Kilby Esq^r a quantity of Bread and Flour belonging to this province to the Value of One hundred and fifty three pounds fifteen shillings Sterling, and has taken M^r George Saul's Bills on Mess^{rs} William and Richard Baker Merchants in London therefor, payable to Harrison Gray Esq^r Treasurer.

Voted That the Treasurer be and he hereby is directed to indorse the said Bills to John Osborne Esq^r Chairman of the Committee of War, and deliver him the same, charging the said Committee with that sum, the said Committee to be Accountable. [*Passed August 24.*]

Legislative
Records of the
Council, xxii.,
79.

House Jour-
nal, p. 106.
Province
Laws, xv., 443,
chap. 282.
Ante, p. 29,
chap. 55.

CHAPTER 112.

ORDER IMPOWERING SAMUEL BASCOMB AND SARAH HIS WIFE, EXECUTRIX, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Bascombe of New Braintree and Sarah his Wife formerly Sarah Barnes, Relict of Comfort Barnes late of Brookfield deceased setting forth that the said deceased by his last Will and Testament gave her the Said Sarah one third part

Legislative
Records of the
Council, xxii.,
80. Mass.
Archives, xix.,
599.

Mass.
Archives, xix.,
597. House
Journal,
pp. 103, 106.
Province
Laws, ii., 151,
chap. 10.

of all his Estate both Real & personal in such manner as the Law would have given it her, had he died Intestate, That he gave his four Sons all his Lands and personal Estate excepting the said Sarah's Dower as aforesaid and certain Legacies to his seven daughters That in the year, 1751. the Judge of probate upon Application made to him, ordered a division of the deceaseds Estate, and the same was accordingly settled one third upon the said Sarah during life and the other two thirds upon the said Sons, That the personal Estate was not sufficient to pay the daughters' Legacies by which means it will be necessary to set aside the division of the Estate and Sell off Sufficient to pay the Legacies or to Sell off a proportionable part of each of the Sons Shares for that purpose; which latter being most agreeable to all concerned; They pray that She as Executrix of the deceaseds last Will may be impowered to do accordingly.

Read and

Order'd, That the Prayer of the Petition be so far granted, as that the Petitioners, with the Assistance of Major Simeon Dwight Guardian to one of the Deceased's Sons be and they hereby are Impowered to make Sale and pass and Execute a good Deed or Deeds in the Law of so much of each Son's Part of said Deceased's real Estate as was set off to them in the Division thereof, where it may be of least Damage to the Sons, as shall enable them with what remains of the personal Estate in the Hands of the Petitioners, to pay the Legacies given to the said Deceased's Daughters as they respectively come of age or are married; the Petitioners observing the Law relating to the Sale of real Estates by Execut^{rs} & Administrators; & before such Sale giving Security to the Judge of Probates for the County of Worcester for applying the Produce thereof for the Payment of said Legacies. [*Passed August 24.*]

CHAPTER 113.

VOTE GRANTING £300 TO HIS EXCELLENCY THE GOVERNOR.

Legislative
Records of the
Council, xxii.,
81. Mass.
Archives, i., 60.

House Jour-
nal, pp. 92, 95.

Voted, That there be granted and paid out of the public Treasury to his Excellency Thomas Pownall Esq^r Governor in Chief of this Province the Sum of Three Hundred Pounds to defrey the Charges of Transporting his Equipage hither. [*Passed August 24.*]

CHAPTER 114.

ORDER IMPOWERING CAPT. NOAH SPRAGUE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
82. Mass.
Archives, xix.,
622.

House Jour-
nal, pp. 101, 107.
Province
Laws, ii., 151,
chap. 10.

A PETITION of the Rev^d M^r Thomas Prince & others in behalf of themselves and other Heirs (who are Minors) of the Rev^d M^r Nathan Prince deceased setting forth that the said Nathan died seized of sundry small parcels of Land in Rochester in the County of plymouth apprized at less than Forty pounds lawful money the whole, and as the Heirs are Numerous and some of them Minors praying liberty to sell the same and divide the produce of such Sale, after deducting the Charges, among those who are severally interested in said Lands.

Read and

Ordered, That the Prayer of this Petition be granted; and that Cap^t Noah Sprague be and hereby is impowered to Make Sale of the Lands mentioned to such person or persons as shall appear to give most for the same, he Observing the Directions of the Law respecting the Sale of real Estates by Exec^{rs} and Admin^{rs}, And in due form of Law to make a Deed or Deeds of Conveyance thereof, which when executed acknowledged and recorded in the Registry of Deeds for the County of Plymouth as the Law directs shall be held and deemed, and hereby is declared to be good and Valid to all intents and purposes whatsoever, Provided that he give sufficient Caution to the Judge of Probate &c for said County for paying the proceeds thereof, deducting the Charges arising on such Sale, to the proper Heirs or their Guardians agreeable to the Directions of the Law. [*Passed August 24.*]

CHAPTER 115.

ORDER IMPOWERING BENJ^A HAMBLIN, GUARDIAN, TO SELL PART OF AN ESTATE.

A PETITION of Benjamin Hamblin of Barnstable, setting forth, That he is Guardian of Mary Crocker and Hopestill Crocker Minors & daughters of Thomas Crocker late of Barnstable deceased, who likewise left three other daughters, Coheirs, That the deceaseds Estate consists of a Dwelling house and Sundry small parcels of Land apprizd at £148.13.4 the Income of which will bring in little more than sufficient to keep Said House in repair; And praying liberty to sell the Said Minors Interest in the Estate.

Legislative
Records of the
Council, xxii.,
80. Mass.
Archives, xix.,
621.

Mass.
Archives, xix.,
620. House
Journal, p. 114.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered that the Prayer of this Petition be so far granted as that the Petitioner in his said Capacity be and hereby is authorized and impowered to make sale of two fifth parts of the Estate within mentioned and to make and Execute a good and sufficient Deed or Deeds in Law to such person or persons as shall give most for the same, He Observing the direction of the Law respecting the sale of Real Estates by Exec^{rs} And Admin^{rs} And giving sufficient Security to the Judge of probate for the County of Barnstable duely to Account for the produce of such sale. [*Passed August 25.*]

CHAPTER 116.

ORDER ALLOWING £3 TO JOSIAH PARKER.

A PETITION of Josiah Parker of Chelmsford, setting forth that on the 29 of August, 1756. He was impressed into his Majestys service on the Crown point Expedition, and on the 6th of September began his March; but being taken Sick on the road could reach no farther than Westfield, from whence he returned Sick and got home on the 8th of October following; And praying an Allowance.

Legislative
Records of the
Council, xxii.,
102. Mass.
Archives,
lxxvi., 439.

Mass.
Archives,
lxxvi., 437.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 24.

House Journal, p. 109.

Read and

Ordered, That there be allowed, and paid out of the Public Treasury to Cap^t Ephraim Spaulding the Sum of three pounds for the use of the Petitioner, in full for one Month and twenty five days service in the last Crown-Point Expedition, for the Charges of his sickness And for the use of his Gun Mentioned. [*Passed August 25.*¹]

CHAPTER 117.

VOTE CONFIRMING THE ASSESSMENTS OF DARTMOUTH ASSESSORS.

Legislative Records of the Council, xxii., 85.

House Journal, p. 113.

WHEREAS it has been represented to this Court, that in the year. 1753. the Town of Dartmouth at their annual Town Meeting in March made choice of Capt. Nathan Sole, Jirah Swift and Peleg Smith Assessors for said Town said year, who accordingly made the several Assessments; but it so happened the said Peleg Smith did not take the Oaths appointed by Law for the Qualification of an Assessor whereby some doubts have arisen.

Wherefore

Voted That as the other two of said Assessors were duly qualified the said several Assessments shall be deemed good and effectual to all Intents and purposes; the said peleg Smith not duly qualifying himself according to Law notwithstanding. [*Passed August 26.*]

CHAPTER 118.

VOTE DIRECTING THE COMMISSARY TO PURCHASE PROVISIONS AT WEST HOOSUCK.

Legislative Records of the Council, xxii., 86.

House Journal, p. 113. *Ante*, p. 48, chap. 99.

WHEREAS the House are informed that there is a large quantity of Provisions provided by private persons and now deposited at the Block house at West Hoosuck which may be had for the province Use for billeting the Ninety Men which by this Court are destined for that place, which if procured will prevent a great Charge and hazard to the province in transporting provisions at this time of Danger Therefore

Voted that the Commissary General be directed to contract with the proper Owners for said provisions, provided the Cost shall not exceed Five shillings and four pence each Man ~~p~~ week, which is what the Inhabitants at that Block house have agreed to billet themselves for. [*Passed August 26.*]

CHAPTER 119.

ORDER ALLOWING £2. 19 TO NATHAN WILLIAMS, 2^{DUS}.

Legislative Records of the Council, xxii., 86. Mass.

A PETITION of Nathan Williams 2^{dus} of Norton, setting forth That on the 30th September, 1756. he was impressed into his Maj-

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 31.

esty's Service for the intended Expedition against Crown point, that he Marched as far as Still Water where he was ordered to stay to take care of the Sick, where he himself was taken Sick and with much difficulty got home on the 9th of December after the Army was disbanded, That being put into no Company he is not made up in any Muster Roll; And praying an Allowance for his Service, and the Charge of Billeting himself.

Archives,
lxxvii., 39.
Mass.
Archives,
lxxvii., 38.
House Jour-
nal, pp. 103, 104,
114.

Read and

Ordered, That there be allowed & paid out of y^e public Treasury to M^r Thomas Morey for the use of the Petitioner, the sum of two pounds Nineteen shill^s in full for his service in the last Crown-point Expedition mentioned. [*Passed August 26.*]

CHAPTER 120.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

JEREMIAH MOULTON ESQ^r Treasurer of the County of York, having laid before the Court his Accounts for the year, 1756.

Legislative
Records of the
Council, xxii.,
86.

Read and

Ordered that this Account be allowed, and that the Ballance thereof being Forty eight pounds seventeen shillings and two pence the said Treasurer be further accountable to the said County for. [*Passed August 26.*]

House Jour-
nal, pp. 13, 109.

CHAPTER 121.

RESOLVE DEFERRING THE VALUATION OF ESTATES IN THE PROVINCE.

Resolved that the Valuation of Estates thro' the province be put off to another year; and that directions be sent to the Assessors of the several Towns and Districts to stay their proceedings therein accordingly. [*Passed August 26.*]

Legislative
Records of the
Council, xxii.,
86.

House Jour-
nal, pp. 60, 108,
110. Province
Laws, iii., 1086,
note. *Ante*,
p. 32, chap. 61.

CHAPTER 122.

ORDER ALLOWING £15. 18 TO D^r JOHN CALEF.

A PETITION of John Calef of Ipswich physician, setting forth That on the 22^d Janry. 1755. He received a Warrant from Governor Shirley to proceed to Fort Halifax to take care of the Sick Soldiers in that Garrison. That he arrived there the beginning of February, and there continued until the first of April, for which Service he hath received no pay, And praying an Allowance therefor, and also for his Travelling Charges.

Legislative
Records of the
Council, xxii.,
87. Mass.
Archives,
lxxvii., 58.

Mass.
Archives,
lxxvii., 57.
House Jour-
nal, pp. 74, 75,
116.

Read And

Ordered That the Prayer of the Petition be so far granted as That there be allowed out of the public Treasury the sum of fifteen

pounds eighteen shillings to the Petitioner in full for his Services mentioned, and that the same be paid to M^r Thomas Lancaster for the Petitioner's use. [*Passed August 26.*]

CHAPTER 123..

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO JOS. CHAMBERLAIN & SILAS MATTHEWS £4 EACH.

Legislative
Records of the
Council, xxii.,
87. Mass.
Archives,
lxxvii., 208.

Mass.
Archives,
lxxvii., 208.
House Jour-
nal, p. 115.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Joseph Chamberlain and Silas Matthews, Soldiers in the late Crown point Expedition setting forth that they returning from the Army as Invalids left their Guns at the Half Moon in the Store there, And that there has been Four pounds stopped from each of their Wages on Account of their Guns not being returned; And praying Relief.

Read and

Ordered, That the Treasurer Pay to M^r Samuel Witt for the use of Joseph Chamberlain & Silas Matthews four Pounds each, being the sums deducted from the Wages due to them on the last Crown-point Expedition for not returning their Arms. [*Passed August 26.*]

CHAPTER 124.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxii.,
87.

House Jour-
nal, pp. 13, 109.

M^r JONATHAN BACON, Treasurer of the County of Barnstable having laid before the Court his Account for the year. 1756

Read and

Ordered that this Account be allowed; and that the Ballance thereof being Fifty one pounds five Shillings and four pence three farthings the said Treasurer be further Accountable for. [*Passed August 26.*]

CHAPTER 125.

ORDER IMPOWERING EDWARD BACON, ADM^r, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
88. Mass.
Archives, xix.,
625.

Mass.
Archives, xix.,
623. House
Journal,
pp. 102, 104, 107,
108. Province
Laws, ii., 151,
chap. 10.

A PETITION of Edward Bacon of Barnstable sole Administrator of the Estate of Jabez Bacon late of Barnstable Mariner deced, setting forth that the Said Jabez died seized of sundry small parcels of Land in Barnstable, all which was apprizd at Forty six pounds thirteen shillings and four pence and no more, That the deceaseds Debts amount to Twenty four pounds sixteen shillings, including the Charges of Administration; to discharge which it will be requisite to sell a part of said Real Estate; and as in such case the remainder would be very inconsiderable; praying for leave to sell the whole, He to be accountable.

Read and

Ordered, That the Prayer of this Petition be granted; and that the Petitioner in his said Capacity of Administrator be and hereby

is Authorized and Impowered to make Sale of the whole of the Lands therein mentioned, for the most the same will fetch, he observing the Directions of the Law respecting the Sale of Real Estates by Executors and Administrators; and to make in due Form of Law a Deed or Deeds of Conveyance thereof, which, when duly Executed and Recorded in the Registry of Deeds, for the County of Barnstable, shall be held and deemed, and hereby is declared to be good and valid in the Law, to all Intents and Purposes whatsoever, the Petitioner first giving Bond with sufficient Sureties to the Judge of Probate &c. for said County, to apply the Proceeds of such Sale towards the Payment of the said Deceased's just Debts and Charges of administration &c mentioned; and to distribute the Surplusage (if any such there be) to and among the said Intestate's Heirs or, next of Kin, according to the Directions of such Judge of Probate. [*Passed August 26.*]

CHAPTER 126.

VOTE ALLOWING 6/ TO RICHARD DEXTER.

WHEREAS there was a Mistake of Six shillings to the prejudice of Richard Dexter in the Allowance made him the 8th April last for the Services of his Apprentice Ebenezer Moor as in his petition mentioned

Voted that there be allowed and paid out of the publick Treasury the said Sum of Six shillings to M^r Benjamin Hills for the use of the said Richard Dexter. [*Passed August 26.*]

Legislative
Records of the
Council, xxii.,
88.

House Jour-
nal, p. 116.
Province
Laws, xv., 722,
chap. 481.

CHAPTER 127.

ORDER ALLOWING £24. 4. 9 TO JER. LINCOLN.

A PETITION of Jeremiah Lincoln setting forth That on the 18th day of September last being sent out with Forty six others under the Command of Capt. Hodges on a Scout from Fort William Henry, That on the next day he was taken Captive by the Enemy, who either killed or Captivated the whole party excepting five; That he was carried to Mont Real where he arrived the 1st of October, and there remained till the 17th of June, when he with three others made their Escape and after enduring many hardships he arrived at Fort Edward in sixteen days; And praying an Allowance for his time and Sufferings.

Read And

Ordered, That there be allowed and paid out of the public Treasury to the Petitioner the sum of Twenty four Pounds four Shillings and nine pence in full for his services and sufferings mentioned. [*Passed August 26.*]

Legislative
Records of the
Council, xxii.,
89. Mass.
Archives,
lxxvii., 196.

Mass.
Archives,
lxxvii., 195.
House Jour-
nal, pp. 114, 116.

CHAPTER 128.

ORDER IN REGARD TO THE BEQUEST OF SIR PETER WARREN.

Legislative
Records of the
Council, xxii.,
89. Mass.
Archives,
xxxiii., 3.

House Jour-
nal, p. 118.
Province
Laws, xiv., 563,
chap. 66; 694,
chap. 155.

WHEREAS the Agents of Lady Warren have signified That they are now ready to pay off the Sum of Seven hundred Pounds Sterling together with the Interest thereon which the late Sir Peter Warren had devoted as by his Letter of 30th March 1751 for the Education & Instruction of Indian Children.

Ordered That the Province Treasurer be directed to receive the said money and give a proper discharge for the Same. And that the Interest of the whole of said Money at the Rate of Six pounds $\frac{1}{2}$ Centum be appropriated for the Education and Instruction of such of the Children of the Indians of the Six Nations who may be sent for that purpose into this Province to be put under such Master or Instructor as this Court shall approve of.

And that Sir William Johnson, Nephew of said Sir Peter Warren, to whom his Majesty has committed the Care of those Indians be advised of this Resolution, and be desired to recommend it to those Tribes of Indians to send some of their children in order to receive the Benefit of this donation: and that He be informed that so soon as a sufficient number of Children shall appear, the Court will provide for their Support and Instruction. [*Passed August 27.*¹]

CHAPTER 129.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
90.

Mass.
Archives,
lxxvii., 30, 33,
35, 109, 110, 144.
House Jour-
nal, p. 117.

Ordered, That there be allowed and paid out of the publick Treasury to Capt. Nathaniel Sumner for the Use of Elkanah Boyden Eight pounds sixteen shillings and seven pence; To Daniel Gidding for the Use of Amos Story forty nine shillings and four pence; To Duncan Campbell Esq' for the use of Ebenezer Eddy, Five pounds nine shillings and two pence; for the use of David Town fifty seven shillings and four pence; and for the use of Isaac Learned Three pounds ten shillings; To Thomas Greenwood Esq' for the use of Moses Johnson Three pounds three shillings and eight pence; and to Capt. Benjamin Milliken for the Use of Asa Kimball fifty three shillings and eight pence in full for the Expences of the last Crown point Expedition in their petitions respectively mentioned. [*Passed August 27.*]

CHAPTER 130.

VOTE DESIRING THE GOV^R TO SEND AMMUNITION TO WEST HOOSUCK.

Legislative
Records of the
Council, xxii.,
90.

House Jour-
nal, p. 117.

Voted That his Excellency be desired to give his Orders to the Commissary General to send to the Block house at West Hoosuck two barrels of powder with Lead in proportion as soon as may be. [*Passed August 27.*]

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 26.

CHAPTER 131.

ORDER ALLOWING THE SELECTMEN OF BOSTON FURTHER TIME FOR
DRAWING LOTTERIES, ETC.

A PETITION of the Selectmen of the Town of Boston; praying that they may be indulged with further time for drawing the Lotteries granted them by the Government, than that to which they are confined by the Act of this Court, And that they may be allowed to lay out a part of the Money which may be raised by said Lotteries in building a Wharf or Wall for the preservation of the pavement for the effecting of which the Lotteries aforesaid were originally granted.

[Read and]

Ordered, That the Prayer of this Petition be granted, and that the memorialists have liberty to dispose of such Ticketts as are not yet sold of their Lottery Number three, for the space of three months from and after the seventh of sep^r next, and to draw said Lottery within that time; Also that said Memorialists be and they hereby are allowed such further time for drawing any other Lotteries they are impowered to do by the Act passed in Jan^{ry} 1756. for the purposes therein mentioned, as they shall judge necessary and convenient not exceeding two Years in the whole from this Time, any thing in the said Act to the Contrary notwithstanding Also

That y^e Memorialists be and they hereby are impowered to lay out so much of the monies as already hath been or here after may be raised by Lotteries for building a Wall or Wharfe for securing the pavement on the Neck as they may think proper, and then proceed to finish the remaining part of paving said Neck, according to the Directions of the Act aforesaid. [*Passed August 27.*]

Legislative
Records of the
Council, xxii.,
90. Mass.
Archives,
lxxxviii., 53.

Mass.
Archives,
lxxxviii., 51.
House Jour-
nal, pp. 117, 119.
Province
Laws, iii., 888,
chap. 24; iv.,
243, note; xv.,
638, chap. 269.

CHAPTER 132.

ORDER IMPOWERING BENJAMIN GRIDLEY, ADM^R, TO SELL REAL ESTATE.

A PETITION of Benjamin Gridley Administrator of the Estate of Peter King of Boston Mariner deceased setting forth that He at the last Sessions of the General Court preferred a petition for Sale of said peters Mansion house and Land; which petition was granted by both Houses; but through Mistake was not signed by a Major part of the Council; And praying that the said petition may be revived and an Order thereon granted for the Sale aforesaid.

Read and

Ordered That the prayer of this Petition be granted, and that the said Benjamin Gridley, Administrator of the said Peter King be hereby authorised and impowered to sell the Real Estate before mentioned of the said Peter King according to the directions of the Law in that case made and provided and to execute a sufficient deed or deeds thereof. [*Passed August 29.*]

Legislative
Records of the
Council, xxii.,
92. Mass.
Archives, xix.,
557.

Mass.
Archives, xix.,
555. Legisla-
tive Records of
the Council,
xxi., 516.
House Jour-
nal, p. 122.

CHAPTER 133.

ORDER DIRECTING THE SELECTMEN OF TOWNS AND DISTRICTS TO PROVIDE FOR SOLDIERS SICK OF THE SMALL POX.

Legislative
Records of the
Council, xxii.,
93. Mass.
Archives,
lxxvii., 225.

House Jour-
nal, p. 121.

Ordered, That the Select Men of the several Towns and Districts within this Province be directed to provide for and take Care of all persons employed by this Government for his Majesty's Service under the Command of his Excellency the Earl of Loudoun who are or shall be taken sick of the small pox on their return from the Camp or Forts near Lake George, at the Charge of the Province. [*Passed August 29.*]

CHAPTER 134.

ORDER ALLOWING £5.7.8 TO THOMAS HOBBS.

Legislative
Records of the
Council, xxii.,
94. Mass.
Archives,
lxxvii., 198.

Mass.
Archives,
lxxvii., 198.
House Jour-
nal, p. 123.

A PETITION of Thomas Hobbs of Berwick setting forth That he was a Soldier in the last Crown point Expedition, and that after the Army was disbanded he stayed by order to take care of the Sick, and did not get home till the 8th of March, And praying an Allowance for the time he was in the Service after the Muster Roll was made up and for his Expences.

Read and

Ordered, That there be allowed and paid out of the public Treasury to M^r Benj^a Chadbourn for the use of the Pet^r five pounds seven shill^s & eight pence in full for his services and Expences on y^e last Crown point Expedⁿ mentioned. [*Passed August 30.*]

CHAPTER 135.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO SYLVANUS HEMENWAY.

Legislative
Records of the
Council, xxii.,
94. Mass.
Archives,
lxxvii., 200.

House Jour-
nal, p. 116.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Sylvanus Hemenway of Framingham, setting forth that his Apprentice James Gallot a Soldier in the late Crown point Expedition had his Gun stolen on his return home, for which there is Four pounds stopped out of his Wages; And praying Relief.

Read and

Ordered, That the Treasurer pay to Joseph Buckminster Esq^r for the use of the Petitioner, four Pounds being the sum deducted from the Wages of his Apprentice James Gallot in the last Crown-point Expedition on Acc^o of his Arms not being return'd. [*Passed August 30.*]

CHAPTER 136.

ORDER ALLOWING 12/ TO JOHN CARLETON.

Legislative
Records of the
Council, xxii.,
95. Mass.
Archives,
lxxvii., 224.

A PETITION of John Carleton of Bradford a Soldier in the Crown point Expedition in 1755. setting forth that he carried his own Gun into the Service; And praying for the usual Allowance.

Read and

Ordered, that there be allowed and paid out of the public Treasury to Cap^t Benjamin Milliken for y^e Pet^{rs} use, the sum of twelve shillings for the use of his Gun on the last Crown-point Expedition. [*Passed August 30.*]

House Journal, p. 123.
Province
Laws, xv., 367,
chap. 97.

CHAPTER 137.

ORDER ALLOWING 12/ TO WILLIAM PELL.

A PETITION of William Pell a Soldier in the Crown point Expedition in 1755. praying an Allowance for the use of his Gun which he carried into the Service with him.

Read and

Ordered, That there be allowed and paid out of the public Treasury to M^r Benjamin Hills for the Petitioner's Use twelve shillings for the use of his Gun w^{ch} he carried with him on the last Crown-point Expedⁿ. [*Passed August 30.*]

Legislative
Records of the
Council, xxii.,
95. Mass.
Archives,
lxxvii., 197.

House Journal, pp. 115, 123.
Province
Laws, xv., 367,
chap. 97.

CHAPTER 138.

ORDER ALLOWING 21/ AND A FURTHER AMOUNT OF 12/ TO JOHN WOOD.

A PETITION of John Wood, Chaplain in Col^o Bagley's Regiment in the last Crown point Expedition praying an Allowance for the use of his Gun, which he carried with him, and for the charge of his Subsistence on his return home.

Read and

Ordered, That there be allowed and paid out of the public Treasury to M^r Thomas Perley for y^e Petitioner's Use, Twenty one shillings for his subsistence on His return from the Army on y^e last Crown-point Expedition & twelve shillings for the Use of his Gun Mentioned. [*Passed August 30.*]

Legislative
Records of the
Council, xxii.,
95. Mass.
Archives,
lxxvii., 146.

Mass.
Archives,
lxxvii., 145.
House Journal, pp. 115, 123.
Province
Laws, xv., 367,
chap. 97.

CHAPTER 139.

ORDER APPOINTING A COMMITTEE ON REPAIRS OF THE PROVINCE HOUSE.

In the House of Representatives;

Ordered that M^r Speaker and M^r Flucker with such as the honourable Board shall appoint be a Committee to take care that the Province House be suitably repaired and such Alterations made therein as they shall judge necessary so as to render the same fit for the Reception of his Excellency and Family.

In Council; Read and Concurred, and James Bowdoin Esq^r is joined in the Affair. [*Passed August 30.*]

Legislative
Records of the
Council, xxii.,
96.

Legislative
Records of the
Council, xxii.,
56, 64, 67 bis.
House Journal, pp. 123, 126.

CHAPTER 140.

ORDER GRANTING STAY OF EXECUTION ON THE PETITION OF SETH CRANE TO REVIEW AN ACTION.

Legislative
Records of the
Council, xxii.,
96.

House Jour-
nal, p. 118.

A PETITION of Seth Crane, setting forth that William Sturtevant on the 29 January last served on the petitioner a Writ to Answer the said William at the Inferiour Court of Common pleas for the County of plymouth for a supposed Tort on his person and detention of his Goods; at which Court the Writ was Abated, and the petitioner apprehended he was discharged of said Action; but so it was that the said William appealed to the Superiour Court, where the plea of Abatement was overruled; and the cause brought to Trial without the petitioners knowledge and a Verdict given against him by the Jury for Forty pounds damage, although the Judges of the Court were of Opinion that the said William had failed in his proof, And as the petitioner being absent could not give bonds for a Review of said Action, and is in danger of losing the Money recovered of him as aforesaid, if he should pay it upon the Execution, as the said William's circumstances are precarious, and the petitioner is like to be thereby deprived of the benefit of a reversal of the Judgment aforesaid, which he is in no doubt of obtaining upon a review; praying that the Execution may be suspended upon the petitioners giving bond to review the Cause at the next Superiour Court to be held in the County of Plymouth.

Read and

Ordered That the prayer of this petition be granted, and that on the petitioners giving bonds as the Law directs to review the said Action at the next Superiour Court of Judicature &c. to be holden in and for said County of plymouth, the Execution on the Judgment mentioned be stayed. [*Passed August 30.*]

CHAPTER 141.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative
Records of the
Council, xxii.,
97.

House Jour-
nal, pp. 13, 124.

RICHARD BILL Esq^r Treasurer for the County of Suffolk having laid before the Court his Account for the year, 1756.

Read and

Ordered That this Account be allowed, and that the ballance thereof being Sixty three pounds eleven shillings and three pence three farthings the Said Treasurer be further Accountable to the said County for. [*Passed August 30.*]

CHAPTER 142.

ORDER IMPOWERING THOMAS GILBERT, JR., ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,

A PETITION of Thomas Gilbert jun^r of Brookfield; Administrator on the Estate of Jonathan Gilbert late of Brookfield deceased, set-

ting forth that the deceased Debts exceed his personal Estate more than Twenty pounds; That his Real Estate lying in Brookfield and consisting of about Seventy Acres of Land mostly unimproved was Apprizd at two hundred pounds; That the deceased left a Widow and five children under fourteen years of age; and as there is a necessity of Selling part of the Estate for payment of Debts; he apprehends it would be most for the Interest of the concerned to Sell the whole; And praying for leave accordingly.

Read &

Ordered, that the prayer of the petition be granted and that the Petitioner in his Capacity of Admin^r be & he hereby is impower'd to make Sale of said deceas'd's Real Estate mention'd, and to pass & execute a good & sufficient deed or deeds in the Law of the same to such person or persons, as shall give most for the same, and that the Income of one third of the Produce of said Sale be for the Use of the Widow during Life, And the remaining part of the other two thirds after the debts are paid be put out on Interest for the Use of said Minors; and at the death of said Widow the said third be also divided amongst said Minors, and that sufficient Caution be given to the Judge of Probate for the County of Worcester to secure the said one third to said minors accordingly The s^d Administrator in making said Sale in all Respects conforming himself to the Law relating to the Sale of Real Estates by Executors & Administrators. [*Passed August 30.* -

97. Mass. Archives, xix., 607.
Mass. Archives, xix., 605. House Journal, pp. 121, 127. Province Laws, ii., 151, chap. 10.

CHAPTER 143.

ORDER ALLOWING £2. 6. 4 AND A FURTHER SUM OF £15 TO WILLIAM RANGER.

A PETITION of William Ranger a Soldier in the two Expeditions intended against Crown point; praying an Allowance for his half pay during the intermediate space, and for Subsistence.

Read and

Ordered, That there be allowed and paid out of the public Treasury to Cap^t Jabez Upham for the use of the Petitioner the sum of two Pounds six Shillings, and four pence in full for the half pay he was intitled to on his reinlisting into y^e service on y^e last Crown point Expedition, And the further sum of fifteen shillings for his subsistence on his return from the Army. [*Passed August 30.*

Legislative Records of the Council, xxii., 97. Mass. Archives, lxxvi., 658.

House Journal, pp. 23, 127. Province Laws, xv., 452, chap. 310.

CHAPTER 144.

ORDER ANNEXING DAVID HARWOOD WITH HIS ESTATE TO THE TOWN OF SUTTON.

A PETITION of David Harwood living on Country Land in the County of Worcester That said Land may be annexed to the Town of Sutton.

Read, and it appearing that the petitioner had served the Clerk of the Town of Sutton with a Copy of this petition, and no Answer being given in. Therefore

Legislative Records of the Council, xxii., 94.

House Journal, pp. 12, 132. *Ante*, p. 10, chap. 7.

Ordered That the petitioner with his said Farm be annexed to the Town of Sutton, there to do duty and receive privilege as the other Inhabitants of the said Town accordingly. [*Passed August 31.*¹

CHAPTER 145.

ORDER ALLOWING 40/ TO ELEANOR POTTLE.

Legislative
Records of the
Council, xxii.,
93. Mass.
Archives, lxx.,
390.

House Jour-
nal, pp. 125, 130.

A PETITION of Eleanor Pottle setting forth that She is lately returned in a Flag of Truce from Louisbourg destitute of all the necessities of Life after five months Captivity there And praying for some Relief from this Government, that so she may be enabled to return to her Husband at Halifax.

Read and

Ordered, That there be allowed and paid out of the public Treasury the sum of forty shillings to the overseers of the poor in Boston to be applied for the relief of the Petitioner, and to defrey the Charge of her passage to her said Husband at Halifax. [*Passed August 31.*²

CHAPTER 146.

ORDER IMPOWERING NATHANIEL AMES, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
98.

House Jour-
nal, pp. 125, 128,
131. Province
Laws, li., 151,
chap. 10.

A PETITION of Nathaniel Ames of Dedham physician Guardian to Nathaniel Fisher of Dedham a Minor of 15 years of Age, setting forth That the said Minor has set off to him about thirty Acres of Land at a place called Oak hill in said Dedham. That the said Minor pursuant to his own Choice and at his Mothers Expence has been kept at School to qualify him for an Admission into Harvard College That it is the earnest desire of all his Friends he should be sent thither, And praying he may be empowered to sell said Land to defrey the Charge of his Education.

Read and

Ordered that the prayer of this petition be granted, and that the petitioner in his said Capacity of Guardian be and hereby is fully empowered to make Sale of the premisses, and to give and execute a good and lawful deed or deeds of Conveyance thereof; he attending to the Rules by Law prescribed for the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds thereof be duly applied so far as is needful for the purposes mentioned in the petition; and the remainder (if any such there be) to let out at Interest, or otherwise improve to the best advantage of Said Minor, and to Account with the Judge of probate for the County of Suffolk for his proceedings in the premisses. [*Passed August 31.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is August 30.

² This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 29.

CHAPTER 147.

VOTE APPOINTING A COMMITTEE TO PROVIDE MATERIALS AND BUILD THE NEW BARRACKS AT GOVERNORS OR CASTLE ISLAND, ETC.

In the House of Representatives;

Voted That M^r Speaker M^r Flucker and James Russell Esq^r with such as the honourable Board shall appoint be a Committee with the leave of his Excellency to provide materials and to employ Workmen for building New Barracks or repairing any old Buildings to serve as Barracks at Castle Island or Governors Island, so that together with the Barracks already provided on Castle Island for seven hundred Men, there may be sufficient in the whole to receive and Accomodate One thousand, exclusive of Officers. And the said Committee are likewise to provide materials and employ Workmen to make additional Buildings for Officers, so as that in the whole there may be Accomodation for the Officers of One Regiment; And that the Commissary General be directed to provide necessary Articles usually allowed for Barracks, Viz^t Beds, Kettles Bowles and Spoons if need be, also half a Cord of Wood φ Week for each Fire place, with a sufficiency of Lamps & Oil for Lights

In Council; Read and Concurred, and Jacob Wendell and William Brattle Esq^{rs} are joined in the Affair. [*Passed August 31.*]

Legislative
Records of the
Council, xxii.,
99.

Mass.
Archives, cix.,
428. Legisla-
tive Records of
the Council,
xxii., 83, 84, 98.
House Jour-
nal, pp. 118, 127,
128, 129. Prov-
ince Laws, iv.,
113, note; xv.,
593, chap. 157.

CHAPTER 148.

ORDER DIRECTING THE PROVINCE TREASURER TO BORROW £15,200.

Ordered That the province Treasurer be and hereby is directed to borrow as soon as may be the Additional Sum of Fifteen thousand two hundred pounds laid on the present year in the last Tax Act, the Vote passed the 16th June last notwithstanding. [*Passed August 31.*]

Legislative
Records of the
Council, xxii.,
99.

House Jour-
nal, p. 130.
Province
Laws, iv., 6,
chap. 2; 94,
note. *Ante*,
p. 41, chap. 86.

CHAPTER 149.

VOTE CONTINUING THE ESTABLISHMENT FOR THE EASTERN AND WESTERN FRONTIERS.

Voted, That the Establishment made for the defence And protec- tion of the Eastern And Western Frontiers be and hereby is length- ened out till the last day of October next and no longer saving only that the Establishment for fifty men at West Hoosuck & fifty men at Fort Massachusetts determine & cease from this time. [*Passed August 31.*]

Legislative
Records of the
Council, xxii.,
99. Mass.
Archives,
lxxvii., 226.

House Jour-
nal, pp. 130, 131.
Province
Laws, xv., 707,
chap. 448.
Ante, p. 28,
chap. 52.

CHAPTER 150.

Legislative
Records of the
Council, xxii.,
100.

House Jour-
nal, p. 133.

RESOLVE REFERRING ALL UNFINISHED MATTERS.

Resolved That all Matters lying before this Court, which have not been or shall not be passed on before the Court rises be referred over, and have the same day at the next Sitting. [*Passed August 31.*]

CHAPTER 151.

VOTE DIRECTING THE PROVINCE TREASURER TO DEDUCT £5. 0. 8 FROM THE WAGES OF CAPT. JOSEPH INGERSOLL AND TO PAY THE SAID AMOUNT TO EBENEZER HIDDEN, ADM^r.

Legislative
Records of the
Council, xxii.,
100.

House Jour-
nal, p. 126.
Province
Laws, xv., 631,
chap. 254.

WHEREAS on the Petition of Ebenezer Hidden, there was an order passed the General Court the 12th January last, that the sum of Five pounds and eight pence should be paid out of the Wages then due to Capt. Joseph Ingersoll to the said Ebenezer, Administrator of the Estate of Jonathan Hidden deceased, which order not being transmitted to the Treasurer, the said Ingersoll received his full Wages, and thereby the said Ebenezer was deprived of the benefit of said Order: And inasmuch as there will be due to the said Ingersoll Wages for his Services this years Campaign

Voted That when the Muster Rolls for the present year shall be made up the Treasurer be and hereby is directed to stop the afore-said Sum of Five pounds and eight pence out of the Wages that shall be then due to the said Ingersoll, and that he pay the same to the said Ebenezer in his Capacity of Administrator for the purposes mentioned in said former Order. [*Passed August 31.*]

CHAPTER 152.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
100.

Mass.
Archives,
lxxvi., 457;
lxxvii., 199.

Ordered That there be allowed and paid out of the publick Treasury to Capt. Henry King for the Use of Daniel Stone Four pounds seven shillings and four pence; To John Bradbury Esq^r for the Use of Stephen Lovejoy Six pounds fourteen shillings and four pence; and to Capt. Nathaniel Smith for the Use of Hannah Richmond Three pounds eight shillings and eight pence in full for the Expences &c. in the last Crown point Expedition in their petitions respectively mentioned.¹ [*Passed August 31.*]

¹ Not found in the House Journal.

CHAPTER 153.

ORDER ALLOWING £400 FOR BUILDING BARRACKS.

Ordered That there be allowed and paid out of the publick Treasury into the hands of the Chairman of the Committee appointed to take care of building and repairing the Barracks &c. at Castle Island or Governor's Island the sum of Four hundred pounds; the said Committee to be Accountable. [*Passed August 31.*]

Legislative
Records of the
Council, xxii.,
100.

House Jour-
nal, p. 133.
Province
Laws, iv., 113,
note. *Ante*,
p. 67, chap.
147.

CHAPTER 154.

ORDER IMPOWERING PHILLIP DEXTER TO KEEP A FERRY BETWEEN FALMOUTH AND MARTHA'S VINEYARD.

A PETITION of Joseph Jenkins and others Pilots from Martha's Vineyard; setting forth that one Phillip Dexter who had been licensed to keep a Ferry from Falmouth to the Vineyard was on the 10th day of May last deprived of his Licence to the great hurt of the petitioners who are thereby obliged to travel seven or eight Miles further upon their Return from piloting Vessels; And praying that the said phillips Licence may be renewed.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the said Philip Dexter be and hereby is Allowed to keep a Ferry for footmen as mentioned therein, provided he conform himself to the Rules already stated for the Regulation of the Ferry between Falmouth & Martha's Vineyard, and that the Justices of the Court of General Sessions of the peace for the County of Barnstable be directed to grant him a Licence at their Next sessions Accordingly. [*Passed August 31.*]

Legislative
Records of the
Council, xxii.,
101. Mass.
Archives,
cxxi., 339.

Mass.
Archives,
cxxi., 337.
Legislative
Records of the
Council, xxii.,
330. House
Journal, pp. 12,
13, 123, 124.

CHAPTER 155.

ORDER IMPOWERING CESAR FERRIT, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Cesar Ferrit of Natick, Indian planter setting forth, That he hath some time since purchased several parcels of Land in said Natick, and more lately a House & Land near the Meeting house, That he hath lately met with Sickness in his Family and losses by Absconding Debtors and is thereby become unable to pay for all the Lands he hath purchased; And praying liberty to sell some that lay remote from him for this purpose.

Read and

Ordered, That the prayer of this Petition be so far granted as that the petitioner be and hereby is allowed and Impowered (with the Advice and Consent of the Guardians of the Natick Indians) to Sell fifty Acres of his lands in said Natick, and to Execute a good deed of Sale of the Same to the person or persons who will give most therefor, Seasonable and publick notice of the time & place of Sale being first given, the proceeds thereof to be Applied

Legislative
Records of the
Council, xxii.,
101. Mass.
Archives,
xxxiii., 6.

Mass.
Archives,
xxxiii., 5.
House Jour-
nal, p. 129.
Province
Laws, xv., 110,
chap. 256.

to the discharge of the Just debts of the petitioner mentioned; the Remainder (if any there be) to be applied to the best Advantage of the petitioner, as the Said Guardians Shall direct. [*Passed August 31.*]

CHAPTER 156.

ORDER ALLOWING £3. 7 TO JOSIAH PERRY.

Legislative
Records of the
Council, xxii.,
102. Mass.
Archives,
lxxvii., 65.

Mass.
Archives,
lxxvii., 64.
House Jour-
nal, pp. 20, 128.
Province
Laws, xv., 452,
chap. 310.

A PETITION of Josiah Perry a Soldier in the two Crown point Expeditions, praying for an Allowance of Half pay during the intervening term, and for the time he was made up short in the Muster Roll, as also for his Expences on his return home.

Read and

Ordered, That there be allowed and paid out of the public Treasury to M^r Richard Bailey for the use of the Pet^r the sum of three pounds seven shillings in full for the half pay he was intitled to on his reinlisting into the service on y^e last Crown point Expedition, on Acco^t of his Sickness & for his Expences on his return home as Mentioned. [*Passed August 31.*]

CHAPTER 157.

ORDER ON THE PETITION OF PATIENCE THOMAS AND OTHERS, INDIANS, IN REGARD TO BUILDING A HOUSE.

Legislative
Records of the
Council, xxii.,
102. Mass.
Archives,
xxxiii., 2.

Mass.
Archives,
xxxiii., 1.
House Jour-
nal, pp. 121, 130.
Province
Laws, xiv., 718,
chap. 221; xv.,
581, chap. 125.

A PETITION of Patience Thomas & others Indians, proprietors of Lands lying at Mattakeset in pembroke in the County of plimouth, praying that their Guardians may be impowered to appropriate so much of the principal, or Annual Interest of the Money arisen on the Sale of part of their Lands by leave obtained of the General Court in August last, as shall be necessary to build her a suitable house for her Comfort in her Advanced Age.

Read and

Ordered that the prayer of this Petition be so far Granted as that the Guardians of the Indians in said County of Plymouth be & hereby are Impowred to take part of the principal of the money due to the said Indians viz^t a Sum not exceeding Ten Pounds, and take care that a Comfortable House suitable for said Indians, be built on their Lands as soon as may be, with said Ten pounds together with what of the Interest of said Indians Money may be spared for that purpose. [*Passed August 31.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY THIRD DAY OF NOVEMBER, A.D.
1757.

CHAPTER 158.

ORDER ALLOWING £3.8 TO BENJ^A BAILEY.

A PETITION of Benjamin Bayley of Stow an inlisted Soldier for the late Crown point Expedition, setting forth, That by reason of Sickness he was not able to proceed farther than Sheffield; and is not made up in any Muster Roll, and further shewing that as he was unable to proceed in the Service, his Gun was by order of Capt. Nixon delivered over to another Soldier, and his Gun which was Split left with the petitioner in lieu of it, which Gun he was obliged to Sell for his Subsistence, and for which he received two Dollars only; And praying for Relief.

Read and

Ordered, That there be allowed and paid out of the public Treasury to M^r Henry Gardner for the Petitioner's use, the sum of three pounds eight Shillings in full of wages due to him on the last Crown-point Expedition. [*Passed November 26.*]

Legislative
Records of the
Council, xxii.,
109. Mass.
Archives,
lxxvi., 329.
Mass.
Archives,
lxxvi., 329.
House Jour-
nal, pp. 97, 98,
101, 143, 145.

CHAPTER 159.

VOTE ESTABLISHING WAGES ON SLOOP MASSACHUSETTS.

Voted, That the following Establishment be made for the Sloop Massachusetts Thomas Sanders Master, employed in the service of this Government, Viz^t

For the Sloop two Shill^s & eight pence p Ton, p Month
For the Captain, two pounds thirteen Shill^s & four pence, D^o
For the Mate, two pounds six Shill^s & eight pence D^o
For four Sailors, each one pound six Shill^s & 8^d D^o

to be accounted from the Date of the last pay-Roll and to continue till the further order of this Court. [*Passed November 26.*]

Legislative
Records of the
Council, xxii.,
110. Mass.
Archives, lxx.,
402.
Mass.
Archives, lxx.,
401. House
Journal,
pp. 144, 145.
Province
Laws, iii., 1065,
note; xv., 574,
chap. 110.

CHAPTER 160.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxii.,
110.

House Jour-
nal, pp. 13, 143,
144.

THE ACCOUNT of Edward Winslow Esq^r Treasurer of the County of Plymouth, ballance three pounds four shillings and one penny half penny in favour of said Treasurer, having been laid before this Court.

Read and

Ordered That this Account be allowed. [*Passed November 26.*]

CHAPTER 161.

ORDER IMPOWERING GEORGE LITTLE, EXECUTOR, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
110.

House Jour-
nal, pp. 141, 145,
146. Province
Laws, ii., 151,
chap. 10.

A PETITION of George Little, Executor of the last Will of his Father Isaac Little late of Plympton deceased, setting forth, That said Estate is represented Insolvent, that he being at Sea when the Superiour Court sat at Plymouth was prevented petitioning said Court for the Sale of the deceaseds Real Estate for the benefit of the Creditors; And praying leave therefor from this Court.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in his said Capacity of Executor, be and hereby is empowered to make Sale of the premisses in said petition mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds to the person or persons purchasing the same, he giving seasonable Notice of the Sale thereof agreeable to the Law respecting the Sale of Real Estates by Executors & Administrators And that with the produce arising by said Sale, he pay the just Debts of the said deceased, so far as it will extend, And the Overplus (If any there be) he to Account with the Judge of Probate for the County of Plymouth therefor agreeable to Law. [*Passed November 26.*]

CHAPTER 162.

ORDER IMPOWERING MARTHA STEVENS, ADM^x, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
111. Mass.
Archives, xix.,
629.

Mass.
Archives, xix.,
628. House
Journal, p. 148.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Stevens and Martha his Wife, setting forth, That She as Administratrix on the Estate of her late Husband M^r Ebenezer Holmes deceased had obtained leave of the Superiour Court to Sell the said deceaseds Real Estate for paying his Debts; but being since under Covert; and her present Husband the said John being bound to Sea praying that She the said Martha alone in the absence of her said Husband may be empowered to execute the necessary deeds for that purpose;

Read and

Ordered that the said Martha be and She is hereby empowered in the absence of the said John to sell and convey the Estate afore-

said, and in her own name as Administratrix to her late Husband M^r Ebenezer Holmes deceased to execute a deed or deeds for that purpose, She posting up Notifications thirty days before the Sale thereof and to account for the proceeds with the Judge of Probate for the County of Suffolk as the Law directs. [*Passed November 26.*]

CHAPTER 163.

VOTE WITH STAY OF EXECUTION ON THE PETITION OF JOHN RUSSELL, ESQ^r, IN REGARD TO ACTIONS.

A PETITION of John Russell Esq^r setting forth, That in December, 1755. He moved to Boston, and apprehending himself thereby qualified for the purpose, did on the 19th of February following or thereabouts bring Writs against John Gorham Esq^r Sheriff and John Hallet Deputy Sheriff of the County of Barnstable for Male Administration in their Office to be heard and tried at Boston in the County of Suffolk, That in both Cases there was an Appeal to the Superiour Court where both Writs Were Abated and Costs given against the petitioner, he being necessarily absent when the Trials came on, and expecting that the Actions would have been continued for that reason; Therefore praying for Relief.

Legislative
Records of the
Council, xxii.,
91, 112.

House Jour-
nal, pp. 122, 146,
147, 151.

Whereas an Order passed the two Houses in August last, appointing a Committee to take under Consideration a Petition of John Russell Esq^r then lying before the Court and report thereon, but no clause was inserted in said Order for staying Execution on the Actions in his petition mentioned, for want whereof the person of the said John is exposed whilst attending the Court or their Committees on the Subject of his said petition; Therefore

Voted that Execution be and hereby is stayed on the several Actions in his said petition mentioned during the time the same shall be depending before this Court, this present Sitting. [*Passed November 28.*]

CHAPTER 164.

ORDER ALLOWING £7. 13. 4 TO DANIEL GIDDINGS, JUN.

A PETITION of Daniel Giddings jun^r of Ipswich, setting forth That in September, 1755. He enlisted in his Majesty's Service for the Crown point Expedition, and remained at Fort William Henry during the Winter, but that through some Mistake in making up the Muster Roll he is cut off from about four Months Wages; And praying Relief.

Legislative
Records of the
Council, xxii.,
113. Mass.
Archives,
lxxxvi., 428.

Mass.
Archives,
lxxxvi., 428.
House Jour-
nal, pp. 55, 71,
117, 143.

Read and

Ordered, That the Prayer of the Petition be granted; And that there be allowed and paid out of the public Treasury to the Petitioner, the sum of Seven pounds thirteen Shillings and four pence being Serjeant's Wages for the four months mentioned, He not being allowed therefor in the Muster Rolls of the Company he belonged to, notwithstanding. [*Passed November 29.*]

CHAPTER 165.

ORDER ALLOWING 32/ AND A FURTHER AMOUNT OF £4 TO JOHN MARTIN.

Legislative
Records of the
Council, xxii.,
113. Mass.
Archives,
lxxvii., 246.

House Jour-
nal, p. 147.
Province
Laws, xv., 695,
chap. 416.

A PETITION of John Martyn of Holliston in the province of New Hampshire, setting forth, that he was in the Service of this province in the year. 1756, and after the Army was dismissed was left at Fort William Henry to take care of the Sick, and by means thereof while attending that duty lost his Gun, which was then stolen from him, and on Account of which there hath been Four pounds deducted from his Wages; And praying an Allowance for the time he spent as aforesaid and of the Money stopped on Account of his Gun.

Read and

Ordered, that there be allowed and paid out of the public Treasury to William Lawrence Esq' for the use of the Petitioner the sum of thirty two Shillings in full for his services after the Dismission of the Army on the last Crown-point Expedition; And Also that the Treasurer be directed to pay the four pounds deducted from the Petitioners Wages on acc^o of his arms not being returned. [*Passed November 29.*]

CHAPTER 166.

ORDER OF NOTICE ON THE PETITION OF JOSEPH DAVIS AND OTHERS OF HOLDEN TO LAY A TAX ON UNIMPROVED LANDS OF NON RESIDENTS.

Legislative
Records of the
Council, xxii.,
114. Mass.
Archives, xiv.,
48.

Mass.
Archives, xiv.,
47. House
Journal, p. 157.

A PETITION of Joseph Davis Minister, John Hubbard and Joseph Hubbard, a Committee of the Town of Holden in the County of Worcester, setting forth, That there are but about fifty five Families in said town, and their members not much increased since the year 1750. That the Petitioner Davis's Salary is but Forty five pounds p^a Annum, which small as it is, is as much as the Inhabitants at present are able to pay; That about one third part of the Town (the whole containing 23,000 Acres) is owned by Non-residents, That for fourteen years past the proprietors have paid but six pence p^a Acre old tenor towards Support of the Minister, and the Sum of a hundred pounds like Money which is vastly short of what has been paid in any New Settlement, and that the Lands are greatly increased in their Value, since the Settlement of the Gospel there, And praying that the unimproved Lands of the Non Resident proprietors may be Subjected to a Tax of Three farthings p^a Acre for the term of Six years for the Support of the present Minister, or that they may be otherwise relieved.

Read and

Ordered, That the Petitioners notify the non-resident Proprietors, of this Petition, by inserting the substance thereof in one of the Public prints for three Weeks successively, that they Shew Cause (if any they have) on the second Wednesday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed November 30.*]

CHAPTER 167.

ORDER IMPOWERING SARAH ROBINSON, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Robinson Administratrix on the Estate of her late Husband Ichabod Robins late of Mendon deceased, setting forth that the Deceaseds Debts amount to Twenty four pounds or upwards more than the assets in her hands; That he died seized of One hundred and forty seven Acres of Land in Mendon appraised at £466.13.4. That it would hurt the Farm to Sell off a part, But that since the death of her said Husband a Tract of Land in Said Mendon containing about thirty two Acres of the Value of about £26 has come to the deceaseds Children by two of their Aunts, the Sale of which will raise Money sufficient to pay the Debts; and praying leave to Sell the same, that so the larger Tract may be preserved intire.

Read and

Ordered That the prayer of the petition be granted, and that the petitioner be and is hereby empowered to make Sale of the thirty two Acres of Land within mentioned, first making due publication of the time and place of Sale, for the most the same will fetch and to execute a good deed or deeds in the Law for conveying the same, and out of the produce or Money arising by said Sale to pay the just debts of the deceased; She first giving bond to Account with the Judge of Probate for the County of Worcester, and pay the Surpluss if any there be to the Heirs of the deceased. [*Passed November 30.*]

Legislative
Records of the
Council, xxii.,
116.

House Jour-
nal, p. 159.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 168.

ORDER IMPOWERING DANIEL ALBERT, GUARDIAN, TO JOIN WITH OTHERS IN SALE OF LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Albert jun^r and Abigail Albert for themselves and Daniel Albert, natural Guardian to his Children Frederick and peninah Albert, setting forth that Henry Houghton of Bolton did by his deed of 13th March, 1755. give unto the said Daniel Albert jun^r Abigail, Frederick and peninah Albert his Grand Children sundry Tracts of Land, Viz^t One peice of Eighty Acres and One of thirty Acres lying in Leominster, and One peice of Fifteen Acres and one of thirteen Acres lying in Lancaster, as also Four Acres of Meadow; That by said deed they hold the forementioned Lands as joint Tenants; that two of them are Minors, and cant either Sell or divide, And praying that their Guardian may be empowered to join in the Sale of said Lands with the other petitioners.

Read and

Ordered that the prayer of the within petition be granted, and that the petitioner Daniel Albert natural Guardian to his two Minor Children be empowered to join with the Other Petitioners in the Sale of the Lands within mentioned, One half of the produce to be equally divided between the said Daniel Albert jun^r and Abigail Albert, and the other half be and belong to said Minors in equal parts: and be put on Interest for their Use, and be paid to them on their arriving to the Age of twenty one years or time of Mar-

Legislative
Records of the
Council, xxii.,
116.

House Jour-
nal, pp. 158, 159.

riage; And if either of said Minors should die before the Age of 21 years or day of Marriage, such Childs part be equally divided among the Survivors; the said Daniel the Father giving bond to the Judge of probate for the County of Worcester to be Accountable for said Minors Interest arising by said Sale. [*Passed November 30.*]

CHAPTER 169.

ORDER IMPOWERING RICH^d HALL & EBEN^s MOSELY, GUARDIANS, TO SELL MINORS INTEREST IN REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
115. Mass.
Archives, xix.,
627.

Mass.
Archives, xix.,
626. House
Journal, p. 162.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Richard Hall and Ebenezer Mosely both of Dorchester Guardians to John Searl and Salter Searl Minors and Grand Children of Ebenezer Mosely late of Dorchester deceased, setting forth, That the said Ebenezer devised to his daughter Sarah Mother of said Minors One half of a Farm in Stoughton containing in the whole One hundred and fifty Acres; That the said Sarah had at the time of her Decease five Children three of whom being of Age have Sold their shares in said Estate, that they the said Guardians apprehend it will be for the Minors Interest to have their Shares likewise Sold; And praying that they may be empowered to Sell the same accordingly.

Read and

Ordered that the Prayer of this Petition be so far granted as that the Petitioners in their said Capacity be and they hereby are authorized and empowered to sell the Minors Interest in the Farm within mentioned to such Person or Persons as will give most for the same, and to execute a good and sufficient Deed or Deeds in Law therefor. They giving Bond to the Judge of Probate for the County of Suffolk to pay to the said Minors their respective Shares of the neat produce with lawful Interest on their arriving to the Age of twenty one Years. [*Passed December 1.*]

CHAPTER 170.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THOMAS FOSTER £2.3.7 AND BENJAMIN AKEN 16/ IN EXCHANGE FOR OLD TENOR PROVINCE BILLS.

Legislative
Records of the
Council, xxii.,
117.

House Jour-
nal, p. 152.

Ordered That the province Treasurer be and hereby is directed to pay to Thomas Foster Esq^r Two pounds three shillings and seven pence for Sixteen pounds seven shillings old tenor in bills of Credit on this province in his possession, and to M^r Benjamin Aken Sixteen shillings for Six pounds of the same tenor Bills in his possession, they delivering to the said Treasurer the respective Sums mentioned in Old tenor province Bills or in other Bills of this province equivalent. [*Passed December 1.*]

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 30.

CHAPTER 171.

ORDER ALLOWING £20 TO THE SELECTMEN OF PROVINCE TOWN.

A PETITION of John Conant and others Selectmen of Province Town; praying for Help from the Court to enable them to support the Gospel in said Town.

Read and

Ordered, That there be allowed and paid out of the public Treasury to the Select Men of said Town or their Agent, the sum of twenty Pounds for the use of the Inhabitants of said Town, to enable them to support the preaching the Gospell among them the year ensuing. [*Passed December 1.*]

Legislative
Records of the
Council, xxii.,
118. Mass.
Archives, xiv.,
31.

House Jour-
nal, pp. 154, 158.

CHAPTER 172.

ORDER IMPOWERING PATIENCE BROWN, ADM^x, TO SELL A PORTION OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Patience Brown of Brookfield in the County of Worcester Widow of Zachary Brown late of Brookfield deceased, setting forth, That She had obtained leave of the Superiour Court to make Sale of Thirty pounds Worth of Land to be taken off from the South east part of the deceaseds Farm for payment of his Debts, That She has attempted to make Sale of the same, but as that part of the Farm lyes at a distance from any Road, She has not been able to effect it; And praying She may be enabled to make Sale of Thirty pounds Worth of Land from off the Easterly or North easterly part of said Farm which lyes upon the Country Road in order to pay the deceaseds Debts as aforesaid.

Read and

Ordered that the prayer of this petition be granted, and the petitioner is hereby empowered in her Capacity as Administratrix to make Sale of Thirty pounds Worth of the Real Estate of the deceased at the place mentioned, She first giving proper publick Notice of the time and place of Sale; and to execute a good deed or deeds in the Law for conveying the same, and giving bond to the Judge of probates for the County of Worcester, that the money arising by said Sale be applied for the payment of the just debts of the deceased, and the Overplus, if any there be, to be divided among the Heirs of the deceased according to Law. [*Passed December 1.*]

Legislative
Records of the
Council, xxii.,
118.

House Jour-
nal, p. 161.

CHAPTER 173.

ORDER IMPOWERING NATHANIEL WALES, GUARDIAN, TO SELL MINORS INTEREST IN AN ESTATE.

WHEREAS at a Session of the General Court in January last upon the Petition of Nathaniel Wales, Guardian of Ann Fitch and prudence (but by a mistake in said Petition called Ruth) Fitch, Minors; the

Legislative
Records of the
Council, xxii.,
119.

House Journal, p. 163.
Province
Laws, xv., 642,
chap. 278.

said Nathaniel was impowered to make Sale of Said Minors Interest in a peice or parcel of Land with Buildings thereon situate in Summer Street Boston;

Ordered That the said Nathaniel be and hereby is enabled and impowered as fully to all intents and purposes to make Sale of the Land and Buildings aforesaid, as if the name of said prudence had been aright inserted, and the mistake aforesaid had not happened.
[*Passed December 1.*]

CHAPTER 174.

ORDER ON THE PETITION OF SHERBURN & NATICK IN REGARD TO FRENCH FROM NOVA SCOTIA.

Legislative
Records of the
Council, xxii.,
120. Mass.
Archives,
xxiii., 508.

Mass.
Archives,
xxiii., 507.
House Journal,
pp. 156, 158.
Province
Laws, iv., 97,
note.

A PETITION of the Selectmen of Sherburn and of the Committee of the Parish of Natick; praying that Nineteen of the French Inhabitants of Nova Scotia which have been sent to those places may be removed to some other Town, inasmuch as they are unable to find them Employment where they now are.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that one family of the said French Inhabit^{ts} of Nova Scotia mentioned be sent to the Town of Southborough, and the select Men of s^d Town are hereby directed to take Care of them accordingly; Viz^t the Widow Margaret Girdo and her family being eight in number; And that the others Remain under the Care of the Select Men of the Town of Sherburn & the Committee of the precinct of Natick.
[*Passed December 2.*]

CHAPTER 175.

VOTE ESTABLISHING THE WAGES AT CASTLE WILLIAM.

Legislative
Records of the
Council, xxii.,
120.

House Journal,
pp. 152, 167,
168. Province
Laws, xiv., 271,
chap. 23.

Voted That there be allowed Fifty Men Officers included for the defence of his Majesty's Castle William, and that the following Establishment be made of their Wages; Viz^t

A Captain	£56. 3. 10	Per Annum
One Lieutenant	28. 11. 5	
Chaplain	33. 6. 8	
Gunner	33. 6. 8	
Second Gunner	33. 6. 8	
Armourer	1. 13. 4	Per month
Quarter Gunner	1. 13. 4	
Two Sergeants, each	1. 5.	
Four Corporals, each	1. 2.	
Two Drummers, each	1. 2.	
Private Centinels, each	18. 8	

And that said number of Fifty Men inclusive of Officers be continued at said Castle until the first day of June next.

And Whereas the former Establishment has been for some time expired,

Voted That any Muster Roll that shall now be before the Governor and Council, or that shall be laid before them for pay for past Services of Officers and Soldiers at said Castle William, be made up and paid off agreeable to this Establishment, allowing pay

for any number of Soldiers that have been by the Order of the Government at any time Heretofore raised exceeding the abovesaid number of Fifty. [*Passed December 2.*]

CHAPTER 176.

ORDER TRANSFERRING £4.8.2 FROM THE PROVINCE TAX OF THE DISTRICT OF SOUTHAMPTON TO THE PROVINCE TAX OF THE TOWN OF NORTHAMPTON.

WHEREAS it appears to this Court that there was a Mistake made in the present Year's Tax Act of Four pounds eight shillings and two pence too much laid on the District of Southampton in proportioning the Representatives pay for the preceeding year on the said District and the Town of Northampton; Therefore

Ordered That the abovesaid Sum of Four pounds eight shillings and two pence be taken off from the District of Southampton and laid on the Town of Northampton in their present Year's Tax. [*Passed December 2.*]

Legislative
Records of the
Council, xxii.,
121.

House Jour-
nal, p. 164.
Province
Laws, iv., 94,
note.

CHAPTER 177.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ABNER CLOUGH & OTHERS FOR A REHEARING OF ACTIONS.

A PETITION of Abner Clough of Salisbury, Jonathan Elliot of Epping, and Samuel Clough 3^d and Aaron Clough jun^r of Salisbury setting forth, that Moses Hoit jun^r of Salisbury at the Superiour Court held at Ipswich in June last recovered Judgment against the petitioners for Thirty five pounds damages & Costs in an Action of Trespass; That the said Moses likewise recovered Judgment at the Superiour Court held at Salem in October last against the said Abner, One of the petitioners for Eight pounds nine shillings & Costs; That in the former Action divers of the petitioners Witnesses were at Sea, and in the other the Case was mistaken; And praying for Relief.

Read and

Ordered That the petitioners serve the Adverse party Moses Hoit with an attested Copy of this petition, that he shew cause (if any he have) on Friday the 16th of December current, if the Court be then Sitting, if not, on the second Friday of the next Sitting, why the prayer thereof should not be granted, and that Execution on the Judgments mentioned be stayed in the mean time, they giving sufficient Security to respond what shall be finally recovered on each of the Actions therein mentioned, together with lawful Interest thereon from this time.¹ [*Passed December 2.*]

¹ At the hearing December 16, 1757, this petition was dismissed. — Legislative Records of the Council, xxii., 148; House Journal, p. 210.

Legislative
Records of the
Council, xxii.,
121.

House Jour-
nal, pp. 164, 165.

CHAPTER 178.

ORDER IMPOWERING JONATHAN JOHNSON, ADM^R, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
122.

House Jour-
nal, pp. 160, 161,
168.

A PETITION of Jonathan Johnson Administrator of the Estate of Andrew Johnson late of Andover deceased, Also the petition of Hannah Johnson Widow of the said deceased, setting forth That the said deceaseds personal Estate is insufficient to pay his Debts, and that the Sale of so much Land as would be necessary to pay the Debts would greatly prejudice if not spoil the whole; And praying that he the said Administrator may be enabled to make Sale of all the Buildings and Lands of the said Andrew Johnson to pay the Debts, and for the benefit of the Widow and Heirs.

Read and

Ordered That the prayer of the petition be granted, and that the petitioner Jonathan in his said Capacity be and hereby is impowered to make Sale of the Buildings and all the Lands that the said Andrew Johnson died seized of for the most the same will fetch (he first making due publication of the time and place of such Sale) and to make and execute a good deed or deeds in the Law for conveying the same, and the Interest of One third part of the money arising by said Sale to be applied for the Use of the Widow of the said deceased during her natural life in lieu of her thirds in said Real Estate; the said Jonathan giving good and sufficient Security to the Judge of probate for the County of Essex that the Residue of said monies after the just Debts of the said deceased are duly paid and discharged as also the said Widows part after her decease be divided to and among the Heirs of the Deceased according to Law. [*Passed December 3.*]

CHAPTER 179.

ORDER WITH STAY OF EXECUTION ON THE PETITION OF SETH CRANE
IN REGARD TO BONDS.

Legislative
Records of the
Council, xxii.,
123.

House Jour-
nal, p. 168.
Ante, p. 64,
chap. 140.

WHEREAS it has been represented to this Court that the Order passed the 27th of August last on the petition of Seth Crane cannot be complied with, inasmuch as the Bondsmen required by Law must be approved of by the Superiour Court; Therefore

Ordered That on the petitioners giving bonds in the Clerk of the Superiour Courts Office with James Russell and Samuel White Esq^{rs} as his Sureties to review the said Action in said petition mentioned at the next Superiour Court of Judicature &c. to be holden at plymouth for said County of Plymouth the Execution mentioned in said petition be stayed. [*Passed December 3.*]

CHAPTER 180.

ORDER ALLOWING £3 TO ISAAC WOODS.

A PETITION of William Lawrence Esq^r in behalf of Isaac Woods of Groton; setting forth that Jonas Wood deceased Son of the said Isaac was a Soldier in both the Crown point Expeditions and was thereby intituled to Half pay during the intermediate space, but was omitted being made up therefor in the Roll of the Company he belonged to; And praying for Relief.

Read and

Ordered That there be allowed and paid out of the public Treasury to W^m Lawrence Esq^r for y^e Use of Isaac Woods the sum of three pounds being the half pay he was intituled to on his reinlisting into y^e service on y^e last Crown-point Expedition. [*Passed December 3.*¹

Legislative
Records of the
Council, xxii.,
123. Mass.
Archives,
lxxvii., 281.

House Jour-
nal, p. 165.
Province
Laws, xv., 452,
chap. 310.

CHAPTER 181.

ORDER ALLOWING £2.6.8 TO JON^A FROST.

A PETITION of Jonathan Frost of Brimfield a Soldier in both the Crown point Expeditions; praying for the Half pay he was intituled to during the intermediate Space.

Read and

Ordered, That there be allowed & paid out of y^e public Treasury to M^r Sam^l King for y^e Petit^{rs} use, the sum of two pounds six shillings and eight pence being the half pay he was intituled to On his reinlisting into the service on the last Crown-point Expedition. [*Passed December 3.*

Legislative
Records of the
Council, xxii.,
123. Mass.
Archives,
lxxvii., 95.

House Jour-
nal, pp. 165, 166.
Province
Laws, xv., 452,
chap. 310.

CHAPTER 182.

ORDER ALLOWING £3 TO ELIZ^A SPRAGUE.

A PETITION of Daniel Howard Esq^r in behalf of Elizabeth Sprague of Abington; praying for the Half pay that her late Husband was intituled to on his reinlisting in the late Crown point Expedition.

Read and

Ordered, That there be allowed and paid out of y^e public Treasury to Daniel Howard Esq^r for y^e Use of the Heirs of Joshua Sprague deceased, three pounds being the half pay the said Joshua was entitled to on his reinlisting into the service on the last Crown-point Expedition. [*Passed December 3.*

Legislative
Records of the
Council, xxii.,
124. Mass.
Archives,
lxxvii., 270.

House Jour-
nal, p. 165.
Province
Laws, xv., 452,
chap. 310.

¹ The date according to Mass. Archives is December 30, evidently a mistake, as the Legislative Records of the Council gives the date December 3, and the warrant was issued December 21.

CHAPTER 183.

ORDER IMPOWERING WILLIAM ALLEN, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
124.

House Jour-
nal, p. 174.
Province
Laws, ii., 151,
chap. 10.

A PETITION of William Allen Executor of the last Will and Testament of his late Father William Allen of Grafton deceased, setting forth, That the Debts, Funeral Charges and Legacies of the deceased amount to upwards of Ninety eight pounds, that the whole Estate, except a few things particularly given away was apprizd at One hundred thirty seven pounds eighteen shillings, of which the personal Estate is but £24.11.8. And praying he may have leave to make Sale of the Real Estate to discharge the Debts and Legacies, he to be Accountable for the Residue.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner be and he is hereby impowered to make Sale of the Real Estate of the deceased, for the most the same will fetch, first giving due and seasonable publication of the time and place of Sale, and giving Sufficient Bond to the Judge of Probates for the County of Worcester to Account for the Money arising by such Sale, and that after the Debts and Legacies are paid the Residue be divided agreeable to said Will. [*Passed December 6.*¹

CHAPTER 184.

ORDER GRANTING TO BENJ^A BIGLO LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
126. Mass.
Archives, cxi.,
405.

Mass.
Archives, cxi.,
403. House
Journal,
pp. 175, 176.

A PETITION of Benjamin Biglo of Cambridge, setting forth, That he has hired the House in Cambridge where Abiel Richardson lately kept Tavern, and has obtained the Approbation of the Selectmen And praying that the Justices of the Court of General Sessions of the peace for the County of Middlesex may be Authorized and impowered at their next Sitting to grant him a Licence to keep a Tavern in said House.

Read and

Ordered, That the Prayer of the Petition be granted; And that the Justices of the Court of General Sessions of the peace for the County of Middlesex, be & hereby are impowered to grant y^e Petitioner a licence at their next term (if they see Cause) to keep an house of public Entertainment in the Town of Cambridge, the Time for granting Licences being elapsed notwithstanding. [*Passed December 6.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is December 5.

CHAPTER 185.

ORDER IMPOWERING JON^A RUSSELL, GUARDIAN, TO SELL LANDS, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jonathan Russell of Sunderland, Guardian to Hannah Hovey of Sunderland a person Non Compos, setting forth That the Debts already Contracted for her Support cannot be discharged unless some part of her Real Estate be sold; And praying he may be enabled to Sell a part thereof accordingly for that purpose and for her future Support.

Legislative
Records of the
Council, xxii.,
126.

House Jour-
nal, pp. 44, 56,
173, 175.

Read and

Ordered That the prayer of the petition be granted, and that the petitioner in his said Capacity as Guardian, be and hereby is empowered to make Sale of the Lands mentioned, for the most the same will fetch, and to give a good and sufficient deed or deeds of Sale in the Law for the same, provided he give sufficient caution to the Judge of probate for the County of Hampshire to be Accountable for the produce thereof, and that after the just Debts are paid, he will apply the remainder (if any be) for the Use of the Widow to whom he is Guardian, while She remains Non Compos, and if she should be restored to the Use of her reason again, will return what shall remain in his hands unto her, or to her lawful Heirs in case of her Decease together with the lawful Interest thereof. [*Passed December 6.*]

CHAPTER 186.

ORDER IMPOWERING WILLIAM GREGORY TO REVIEW AN ACTION.

A PETITION of William Gregory [*ante*, p. 45, chap. 93] praying he may be enabled to review an Action he had Commenced against Joshua Prebble and Abraham Prebble in April, 1756.

Legislative
Records of the
Council, xxii.,
126.

Read and it appearing that the Adverse party Joshua Prebble and Abraham Prebble had been duly served with a Copy of this Petition, to which they have made no Answer.

House Jour-
nal, p. 179.
Ante, p. 45,
chap. 93.

Ordered That the Petitioner William Gregory be and he hereby is enabled to review his said Action at the Superiour Court for the County of Suffolk in February next; And the said Court is hereby authorized and empowered to take cognizance thereof, and to hear and determine the same according to what is right, and to enter up Judgment and award Execution accordingly, the Judgments and proceedings aforesaid notwithstanding. [*Passed December 7.*¹]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is December 6.

CHAPTER 187.

ORDER ALLOWING CAPT. JOSEPH WOODMAN TO MAKE UP HIS MUSTER ROLL.

Legislative
Records of the
Council, xxii.,
128.

House Jour-
nal, pp. 174, 177.

A PETITION of Capt. Joseph Woodman of the County of York setting forth, That he with his Company continued in the service of the Government fourteen days after the expiration of the Establishment, he not knowing the same, nor receiving any Orders to dismiss his Company, And praying that he may be allowed to make up his Roll for said fourteen days accordingly.

Read and

Ordered That the Petitioner be and hereby is allowed to make up his Roll for the fourteen days mentioned. [*Passed December 7.*]

CHAPTER 188.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxii.,
129.

House Jour-
nal, pp. 13, 143,
181, 182.

THE ACCOUNT of Robert Luscombe Treasurer of the County of Bristol being laid before the Court for their Approbation.

Read and

Ordered, That this Account be allowed, and that the ballance thereof being Sixty seven pounds eight shillings and ten pence the said Treasurer be further accountable to said County for. [*Passed December 8.*]

CHAPTER 189.

ORDER ALLOWING £50 TO THE SELECTMEN OF PEPPERELL.

Legislative
Records of the
Council, xxii.,
129. Mass.
Archives,
lxxxvii., 339.

House Jour-
nal, pp. 143, 181.

A PETITION of Josiah Fisk and others, Selectmen of the District of Pepperrell in the County of Middlesex, setting forth, their great distresses by reason of Sickness with which upwards of Four Hundred persons out of Eighty eight Families in said District have been visited in the course of Sixteen Months past; fifty five of which persons have died, thirty of whom were heads of families, and eight Families wholly broke up; and praying that their province Tax may be remitted, or that they be otherwise relieved.

Read and

Ordered, That in Consideration of the great sufferings of the Inhabitants of the District of Pepperrall by Sickness as related in their Petition, there be allowed and paid out of the province Treasury to Josiah Fisk and others Select Men of said District the sum of Fifty Pounds, to be by them distributed to such of said Inhabitants as they in their discretion shall judge the greatest sufferers and are most Necessitous. [*Passed December 9.*¹]

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 8.

CHAPTER 190.

ORDER IMPOWERING SARAH EMERSON, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Emerson Administratrix of the Estate of her late Husband Jonathan Emerson late of Uxbridge in the County of Worcester deceased; setting forth that the deceaseds personal Estate is insufficient by about One hundred pounds to discharge his Debts, And praying She may be impowered to make Sale of about fifty Acres of Land, bounded Easterly on the Road leading from Uxbridge Meeting house to Smithfield, Southerly on Land of Moses Farnum jun^r Westerly on Land of Joseph Taft & Northerly on Land of Moses Farnum jun^r that out of the produce of such Sale She may be enabled to pay the deceaseds Debts as aforesaid.

Read and

Ordered that the Prayer of this petition be granted & the petitioner is hereby Impower^d to make Sale of the Land within mentioned for the most the same will fetch giveing due publication of the time & place of sale & to Execute a good deed or deeds for conveying thereof & that the money Arising by Such Sale be duely applyed for the payment of y^e Just debts due from y^e dec^d & the overpluss if any there be to be disposed of among y^e proper heirs of the dec^d According to Law. She giving Caution to the Judge of Probate for the County of Worcester to be accountable. [*Passed December 9.*]

Legislative
Records of the
Council, xxii.,
130. Mass.
Archives, xix.,
633.

Mass.
Archives, xix.,
632. House
Journal,
pp. 187, 188.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 191.

ORDER ALLOWING £2. 16 TO JOHN CHANDLER.

A PETITION of John Chandler of South Hadley; praying an Allowance on Account of his Servant Eleazer Loveland a Soldier in the late Crown point Expedition who was made up in the Muster Roll Seven Weeks short of the time he served.

Read and

Ordered, That there be allowed and paid out of the public Treasury to M^r Josiah Pierce, for the Petitioner's Use, the sum of two pounds sixteen Shillings in full for seven Weeks Wages the Petitioner was carried out short in the Muster Roll of the Company he belonged to, on the last Crown point Expedition. [*Passed December 9.*]

Legislative
Records of the
Council, xxii.,
130. Mass.
Archives,
lxxvii., 272.

House Jour-
nal, pp. 162, 178.

CHAPTER 192.

ORDER DIRECTING THE SALE OF INDIAN LANDS IN FREETOWN AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jacob French, Agent of the Town of Berkley setting forth, that one Isaac Muet and Jane his Wife Indians, came Into the Town of Berkley in year. 1752. that the said Isaac had a long fit of Sickness there, of which he died, and Jane his Wife was at the same time blind and still continues so, all which has Occasioned a considerable Expence to the Town of Berkley; And pray-

Legislative
Records of the
Council, xxii.,
130. Mass.
Archives,
xxxiii., 27.

Mass.
Archives,
xxxiii., 26.

House Journal, pp. 159, 184, 185.

ing that the Charge may be reimbursed out of the Sale of some of the Indians Lands at Freetown.

In the House of Rep^s

Read and

Ordered, That the prayer of this Petition be so far granted, as that One hundred and twenty Acres of the Indian Lands, lying in Freetown be sold to the highest bidder, due publication of the time & place of Sale being first made, the proceeds thereof to be applied to the discharging the Accounts of the said Town of Berkley for supporting the Indians in y^e Petⁿ mentioned, and the overplus (if any there be) for the support of the said Jane: and that Col^o White & M^r Morey with such as the hon^{bl} Board shall join be a Committee for the purposes aforesaid and to see that Justice be done the said Indians in the sale of the said Lands, who are also hereby impowered to adjust & discharge the said Accounts, and to take the Overplus (if any) and apply y^e same as above mentioned, And to Account for their proceedings herein to this Court when required.

In Council Read and Concurred and George Leonard Esq is joined in the Affair. [*Passed December 9.*]

CHAPTER 193.

RESOLVE ALLOWING £30 TO JAMES JOHNSON.

Legislative Records of the Council, xxii., 132. Mass. Archives, lxxvii., 266.

Mass. Archives, lxxvii., 265. House Journal, pp. 166, 167, 185.

A PETITION of James Johnson; setting forth, That in August, 1754. He, his Wife and Children were taken Captive by the Indians; and carried to Canada; that he obtained credit enough of a French Gentleman to purchase their Liberty; except of one Child which is yet with them; and obtained leave of the Government there, to come home himself to raise the Money; that he obtained some of the Government of New Hampshire and set out for Canada, got 50 Miles on his Journey, and was brought back by order of Governor Shirley and detained from January to May. 1755. and then had liberty to proceed, but on his Arrival at Mont Real in June, the French were Alarmed with the Motions of the English and suspecting the petitioner confined him till September last, which long detention being occasioned by his being first of all stopped in the prosecution of his Journey as aforesaid; He humbly prays for Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the Sum of thirty Pounds in Consideration of his Sufferings, and services to sundry Captives belonging to this Govern^t whilst he was in Canada. [*Passed December 9.*]

CHAPTER 194.

ORDER IMPOWERING EBENEZER NICHOLS, GUARDIAN, TO SELL AN INTEREST IN REAL ESTATE.

Legislative Records of the Council, xxii., 133.

A PETITION of Ebenezer Nichols, setting forth That he is Guardian to his Grand children Ebenezer and Susanna Nichols who are interested One half in a house and barn and about three Acres of

Land adjoining the other half of which is owned by the petitioner, that the Buildings are out of repair, and he has now an Opportunity to dispose of the whole, which he apprehends will be for the Interest of the Concerned for him to do; And praying that he may be accordingly empowered to make Sale of the premisses, and invest the produce of the Childrens part in other Estate for their Use and benefit.

Read and

Ordered, That the prayer of this petition be so far granted as that the petitioner in his said Capacity be and he hereby is authorized to make Sale of the Interest of his said Wards in the Buildings and Land in said petition mentioned, provided that within two months from this time he shall convey and secure to them their Heirs and Assigns forever by sufficient deed (to be approved by the Judge of probate for said County) so much of his own Lands adjacent thereto, and in such proportion as they are interested in the premisses as by the Estimation of three discreet and disinterested persons to be thereto appointed And Sworn by said Judge shall be equivalent to their Interest in the Buildings and Lands first above-mentioned. [*Passed December 10.*]

House Journal, p. 190.

CHAPTER 195.

ORDER ALLOWING £2. 16. 8/ TO EBENEZER BOUTWELL.

A PETITION of Ebenezer Boutwell of Framingham, setting forth, that he inlisted into the two Crown point Expeditions and was thereby intitled to half pay during the intervening Space; but as the same was omitted in the Muster Roll; praying an Order to receive the same.

Read and

Ordered, that there be allowed and paid out of the public Treasury to Joseph Buckminster for the Pet^r Use the sum of Two pounds sixteen shillings and eight pence, being the half pay he was intitled to on his reinlisting into the service on the last Crown-point Expedition. [*Passed December 10.*]

Legislative Records of the Council, xxii., 134. Mass. Archives, lxxvii., 291.

Mass. Archives, lxxvii., 291. House Journal, p. 186. Province Laws, xv., 452, chap. 310.

CHAPTER 196.

ORDER IMPOWERING THE INHABITANTS OF THE SOUTH PRECINCT IN HARWICH TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of Samuel Burgess & others, Agents of the South precinct in Harwich, setting forth, That at their Anniversary Meeting in March last they omitted choosing a Collector for said precinct; And praying that they may be empowered to choose one now, the time by Law appointed for that purpose being elapsed notwithstanding.

Read and

Ordered That the prayer of this petition be granted, and that the Inhabitants of the said South precinct in the Town of Harwich, be and hereby are inabled at a precinct meeting to be for that purpose

Legislative Records of the Council, xxii., 134.

House Journal, p. 188.

legally warned and assembled to make choice of a Collector for Collecting the precinct Taxes assessed in said precinct the present Year, whose proceedings therein shall be held and deemed valid in Law to all intents and purposes as though he had been chosen at the time by Law assigned for such Choice. [*Passed December 10.*]

CHAPTER 197.

ORDER DIRECTING THE GUARDIANS OF THE PUNCAPAUG INDIANS TO PAY THE CLAIM OF NELSON FINNEY WITH INTEREST.

Legislative
Records of the
Council, xxii.,
134. Mass.
Archives,
xxxiii., 25.

House Jour-
nal, pp. 181, 187.
Province
Laws, xv., 238,
chap. 171; 287,
chap. 302; 514,
chap. 460.

A PETITION of Nelson Finney of Middleborough, setting forth, That having applied to this Court for the charge he was at in Supporting an Indian Young Man of the Punkapoog Tribe, they were pleased to Order him Twenty four pounds eighteen shillings and eight pence out of the Stock belonging to said Tribe, but there being no money in hand he had not yet been able to receive it; And praying he may be allowed Interest for the same until paid.

Read and

Ordered, That the prayer of the Petition be granted; and That Robert Spur Esq^r and others the Guardians of the Punkapaug Indians be and hereby are directed to pay the Petitioner Lawfull Interest on the Sum of Twenty four pounds, eighteen Shillings & eight pence from the 17th April 1756, till said Sum be paid; and if said Guardians shall pay part of said Sum, the remaining part to be upon Interest till the whole be paid. [*Passed December 10.*]

CHAPTER 198.

ORDER IMPOWERING SAMUEL JOHNSTON, EXECUTOR, TO SELL A PART OF AN ESTATE.

Legislative
Records of the
Council, xxii.,
135.

House Jour-
nal, pp. 181, 186.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Samuel Johnson of Lynn sole Executor of Samuel Hallowell late of said Lynn deceased, setting forth, That the deceaseds Debts amount to £92.12.5¼ more than his personal Estate And praying that he may be impowered to make Sale of so much of his Testators Real Estate as will be sufficient to discharge said Debts.

Read and

Ordered That the prayer of the petition be granted, and that the petitioner in his said Capacity be and he hereby is impowered to make Sale of so much of the Real Estate of his Testator as will Amount to the sum of Ninety two pounds twelve shillings and five pence one farthing, and the Charges arising thereon, and to make and execute a good deed or deeds in the Law of the same, he observing the Rules in the Law respecting the Sale of Real Estates by Executors or administrators, and giving sufficient caution to the Judge of probate for the County of Essex where the deceased dwelt for the application of the money arising by said Sale, and for his duly Accounting for the Overplus if any there be. [*Passed December 10.*]

CHAPTER 199.

VOTE IN REGARD TO MAKING UP MUSTER ROLLS OF THE EXPEDITION
AGAINST CROWN POINT.

Voted, That the Captains or Chief Officers of the several Companies raised by this Province and under the Command of his Excellency the Earl of Loudoun, in making up the Muster Rolls carry out the Wages of each Non-Commission Officer and Soldier born on their respective Rolls from the Time of their several Inlistments 'till they left the Army by Dismission or Furlow and until their Return Home, allowing fifteen Miles for a Day's Travel; and that those who were Impressed or Inlisted and did not join the Army have no allowance made them in the Muster Rolls.

Legislative
Records of the
Council, xxii.,
135. Mass.
Archives,
lxxvii., 331.
House Jour-
nal, pp. 157, 162,
163.

That there be allowed Wages to each Captain or Chief Officer of the several Companies in said Expedition fifteen Days after his Return Home, for making up their respective Muster-Rolls, also for his Travel to Boston in Order to lay the same before the Court, allowing twenty Miles for a Day's Travel, and on making up the same that they charge those that have received Fire Arms, Bayonets and Drums, unless they have or shall return them, unless they can make it evident by their own Oaths, or the Oaths of some other Persons that they were inevitably lost, or detained by lawful Authority.

That every Officer or Soldier, who has been furnished by the Province with Arms and Accoutrements thereto belonging, and do not return them into the Commissary General's Office, the Sum of Two Pounds ten Shillings shall be deducted out of their respective Wages in the Rolls; Viz^t for a Gun Forty Shillings, for a Bayonet nine Shillings for a Cartouch Box and Slings one Shilling, not returned as aforesaid.

That every Officer and Soldier who joined the Army and returned without Leave, or deserted, shall not be intitled to any Wages for his Service, and if upon Examination of any muster Roll, it appears that any such Person be born thereon, the Committee are directed to stop and retain the said Roll and order the Officer presenting the same to make up a new one, therein omitting all such Persons

That each Officer upon his presenting his muster Roll, shall bona Fide swear, that each Person born on his Roll has actually performed the Service for the whole Time he is born on said Roll.

That the Commanding Officer of each Company that is now returned, be directed to bring in the Roll of the Company, and there upon carry out all such Officers and Soldiers as are in Captivity to the Time of the Surrender of Fort William Henry, and for such as are returned Home from their Captivity to the Time of their Return; and that the Pay of all the Officers originally appointed begin at the Time of the Date of their first Commissions. [*Passed December 10.*]

CHAPTER 200.

RESOLVE ALLOWING £8 TO JOSEPH PROUT.

Legislative
Records of the
Council, xxii.,
138. Mass.
Archives,
lxxvii., 278.

House Jour-
nal, pp. 152, 153,
195.

A PETITION of Joseph Prout of Scarborough in the County of York Gentleman, setting forth, That he has been employed by M^r Commissary Wheelwright from April, 1747 to October, 1750. to deliver out provision and Slop Cloathing to the Soldiers posted in Scarborough and elsewhere; that he hath received no Allowance for said Service, nor for Storage of the Goods; And praying he may receive such allowance therefor as the Court shall judge meet.

Read and

Resolved that there be allowed and paid out of the public Treasury to the Petitioner the sum of Eight pounds in Consideration of his services mentioned. [*Passed December 12.*]

CHAPTER 201.

ORDER IMPOWERING WILLIAM MORSE, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
138. Mass.
Archives, xix.,
636.

Mass.
Archives, xix.,
635. House
Journal,
pp. 158, 191.
Province
Laws, ii., 151,
chap. 10.

A PETITION of William Morse Administrator of the Estate of his Brother Joseph Morse late of Methuen deceased, setting forth That the said Joseph died seized of about Thirty five Acres of Land in said Methuen with a small Dwelling house and Barn thereon apprized at Eighty two pounds; That the debts which already appear due from the Estate amount to about Fourteen pounds more than the personal Estate; That the Widow and Six Children are interested therein, two of which Children are of age and desirous that the whole may be sold, and as it may be a prejudice to the concerned to sell off a part of so small an Estate, praying that he may be impowered to Sell the whole;

Read and

Ordered, That the Prayer of this Petition be granted; and That the Pet^r be and hereby is allowed and impowered in his said Capacity of Admin^r to make sale of the whole of the reall Estate of y^e said Deceased, he Observing the Law respecting the sale of reall Estates by Executors And Admin^{rs} and giving Caution to the Judge of Probate for the County of Essex, that the produce thereof be applied for the payment of the just debts of the deceased in the first place, and the Overplus for the Benefit of the Heirs of y^e said deceased According to Law. [*Passed December 13.*]

CHAPTER 202.

RESOLVE ALLOWING £5 TO TIM^o WOODBRIDGE.

Legislative
Records of the
Council, xxii.,
139.

A PETITION of Timothy Woodbridge of Stockbridge, setting forth, that in 1754. he was employed by a Committee of this province to attempt in behalf of the province and to their Use to purchase of

the Indians in the Westward part of the province their several and respective rights to the Lands by them claimed within the province both such as were granted out by the province and such as were not, That in Consequence thereof he was at much pains and expence in the affair, actually agreed with sundry of those Claimers who at his request and charge came from a very considerable distance for that purpose, when the Government thought fit to Suspend the affair; And praying an Allowance for his trouble and expence therein.

Read and

Resolved That there be allowed and paid out of the publick Treasury to the petitioner the sum of Five pounds in full consideration for his Time and Services mentioned. [*Passed December 13.*]

House Journal, pp. 189, 197.
Province
Laws, xv., 314,
chap. 365.

CHAPTER 203.

ORDER IMPOWERING JOHN BUTTERFIELD & OTHERS, GUARDIANS, TO SELL REAL ESTATE.

A PETITION of John Butterfield of a place called N^o 6. in the County of Worcester Guardian to Jonas & Isaac Butterfield Minors; and of Josiah Nutting of Westford in the County of Middlesex and Keziah his Wife as She is Guardian to James Butterfield a Minor, Children Of Benjamin Butterfield late of Westford deceased, setting forth That the said Minors are interested in three tenths of one half of about ten Acres of Land lying in Westford aforesaid in three peices; That the Interest is so small it will not do to divide; And praying they may have liberty to make Sale thereof.

[Read and]

Ordered That the prayer of this petition be granted, and that the petitioners in their said Capacities as Guardians be and they hereby are impowered to make Sale of the minors Interest in the Land mentioned; and to pass and execute a good deed or deeds thereof in the Law, they observing the directions of the Law in such cases, and giving sufficient caution to the Judge of Probate for the County of Middlesex for duly applying the proceeds arising by such Sale. [*Passed December 14.*]

Legislative
Records of the
Council, xxii.,
140.

House Journal, pp. 185, 200,
201. Province
Laws, ii., 151,
chap. 10.

CHAPTER 204.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO EXPERIENCE STOCKWELL, ADMX.

A PETITION of Experience Stockwell Administratrix of the Estate of Ichabod Stockwell a Soldier in the late Crown point Expedition; praying She may be allowed the money stopped in the Treasury out of her deceased Husbands Wages on account of Guns not being returned to the Commissary General, said Gun having been delivered to M^r Commissary Foye at the Half Moon.

Read and

Ordered, That the Treasurer be and hereby is directed to Pay to Timothy Paine Esq^r for the use of the Petitioner the four pounds stopped out of the Wages due to her late Husband Ichabod Stockwell deceased, as a Soldier in the last Crown-point Expedition on

Legislative
Records of the
Council, xxii.,
142. Mass.
Archives,
lxxvi., 379.

Mass.
Archives,
lxxvi., 378.
House Journal, p. 199.
Province
Laws, xv., 695,
chap. 416.

Account of his Arms not being returned, it appearing that they were delivered to the Commissary appointed to receive the same. [*Passed December 14.*]

CHAPTER 205.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 AND A FURTHER SUM OF 12/ TO PETER FLETCHER.

Legislative
Records of the
Council, xxii.,
142. Mass.
Archives,
lxxvii., 205.

House Jour-
nal, p. 199.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Peter Fletcher; setting forth, That he was a Soldier in the year. 1756. in the intended Expedition against Crown point, and carried his own Arms with him, That there has been Four pounds stop't out of his Wages for not returning his Arms; And praying that he may be relieved therein, and that he may be also Allowed for the Use of his own Arms as has been customary.

Read and

Ordered, That the Treasurer be and hereby is directed to pay to William Lawrence Esq^r for the Petitioners Use the four pounds stop't out of his Wages on Account of his not returning his Arms; with the further Sum of twelve Shillings for the use of his Gun, which he carried with him into the service on the last Crown point Expedition. [*Passed December 14.*]

CHAPTER 206.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 40/ TO JOSEPH BAILEY.

Legislative
Records of the
Council, xxii.,
143. Mass.
Archives,
lxxvii., 169.

Mass.
Archives,
lxxvii., 169.
House Jour-
nal, p. 203.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Joseph Bailey of Newbury a Soldier in the Crown point Expedition in 1756. Setting forth, that in removing from Still Water, while he was busied in striking the Tents his Gun was stolen from him, for which Four pounds has been stop't out of his Wages; And praying Relief.

Read and

Ordered, That the Treasurer be directed to pay to Michael Dalton Esq^r for the Petitioners Use, forty Shillings, part of the sum of Four pounds Stopped out of his Wages on the last Crown-point Expedition on Acc^o of his Arms not being returned. [*Passed December 15.*]

CHAPTER 207.

ORDER IMPOWERING JACOB CHEECKSAUNKUN, INDIAN, TO SELL LAND.

Legislative
Records of the
Council, xxii.,
144. Mass.
Archives,
xxxiii., 21.

House Jour-
nal, pp. 179, 206.
Province
Laws, xiv., 326,
chap. 164.

A PETITION of Caleb Cheekskun¹ of Stockbridge, Indian, praying for leave to Sell about Twelve Acres of Land in said Town to M^r Isaac Brown, in order to build himself an house out of the proceeds of said Sale.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Petitioner, with y^e Advice and Assistance of Timothy

¹ The House Journal, pp. 179, 206, reads, "*Jacob Cheeksaunkun.*"

Woodbridge Esq^r be & hereby is allowed to make Sale of the premises mentioned, and to pass a proper Legal Conveyance of the same. [*Passed December 15.*]

CHAPTER 208.

ORDER GRANTING TO JOSHUA CROSSMAN LICENCE TO KEEP AN INN.

A PETITION of Joshua Crosman of Hopkinton in the County of Middlesex, setting forth, That he hath lately purchased the House in Hopkinton where M^r John Chamberlain has for some time past kept a Tavern; and where it is necessary a Tavern should be kept; And praying that the Justices of the Court of General Sessions of the peace for said County now Sitting at Charlestown may be empowered to grant him a Licence for that purpose until the usual time for granting Licences in said County shall arrive.

Read and

Ordered, That the prayer of this Petition be granted; And That the Justices of y^e Court of General Sessions of the peace now holden at Charlestown, in & for said County, be and they hereby are empowered (if they see fitt) to licence the Petitioner to keep an house of public Entertainment in said Town of Hopkinton, the Time for granting Licences being elapsed Notwithstanding. [*Passed December 15.*]

Legislative
Records of the
Council, xxii.,
144. Mass.
Archives, cxl.,
406.

House Jour-
nal, p. 205.

CHAPTER 209.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF JON^A STONE & OTHERS TO BE ANNEXED TO THE TOWN OF WORCESTER.

A PETITION of Jonathan Stone of Worcester, James Hart, Thomas Beard and James Wallis of Leicester; setting forth, That in last May Sessions they preferred a petition to this Court praying that they with their Estates may be set off from Leicester to Worcester; That thereupon the Town of Leicester was notified of said petition, and put in their answer thereto; whereupon the Council ordered their said petition to be dismissed; which dismissal was grounded as the petitioners apprehend upon their not having supported One fact relating to the distance between their Dwellings and Leicester Meeting house; which distance they had procured to be measured by persons under Oath, and disinterested and had sent the same down, but it was not delivered in till after the petition was dismissed, And as their Case is really difficult praying that a Committee may be sent thither at the petitioners Cost to view their Circumstances and report.

In Council; Read and

Ordered that James Minot Esq^r with such as the honourable House of Representatives shall join be a Committee at the sole Cost of the petitioners to repair to the Town of Leicester, first giving Notice of the time of their Meeting there, by notifying the Clerk of the said Town or one of the Selectmen, that they hear all parties carefully view and consider the Situation and Circumstances of the petitioners, and report to this Court as soon as may be with conveniency what they may apprehend proper to be done relative to this petition.

Legislative
Records of the
Council, xxii.,
144.

Legislative
Records of the
Council, xxii.,
71. House
Journal, pp. 10,
98, 204. Prov-
ince Laws, v.,
884, note.
Ante, p. 7,
chap. 1.

In the House of Representatives; Read and Concurred; and Mr Witt and Major Ward are joined in the Affair. [*Passed December 15.*]

CHAPTER 210.

ORDER CONFIRMING TO PHINEAS GIBBS A TITLE TO LAND.

Legislative
Records of the
Council, xxii.,
148.

House Jour-
nal, pp. 200, 206.

A PETITION of Phineas Gibbs of Framingham in the County of Middlesex and Oliver Moor of Lancaster in the County of Worcester the Said Oliver being Guardian to Ephraim Beaman and Lois Beaman Minors Children of Jabez Beaman late of Shrewsbury in said County Gentleman deceased; setting forth That the said Phineas Gibbs on the 25 day of December. 1735. purchased of the said Jabez Beaman deceased, Eight Acres and one hundred Rods of Lands then lying in that part of Lancaster which is now called Bolton; That the said Jabez never Acknowledged the Deed and the Witnesses to it are since Dead; That the said Jabez left four Children two of whom are of Age & willing to relinquish their right to said Land; and the minors pray that their Guardians may be impowered to do the same, as without the Interposition of this Court the petitioners Title cannot be Secured. Therefore praying that said Guardian may be impowered accordingly.

Read and

Ordered That the prayer of this petition be so far granted as that the Lands contained in the Deed therein mentioned be and hereby is confirmed unto the said phineas Gibbs his Heirs & Assigns to be by him & them held & enjoyed in as full & ample a manner as though the said Jabez Beaman had in his Life time Acknowledged the said Deed, And that the Register of Deeds for the County of Worcester be and hereby is allowed to record said Deed. [*Passed December 16.*]

CHAPTER 211.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £14.8 TO ROBERT BALL.

Legislative
Records of the
Council, xxii.,
149.

House Jour-
nal, pp. 195, 207.

A PETITION of Robert Balls praying an Allowance for his Service as Keeper of the Light house to the 19th of November last when his year ended; and a reimbursment of the sum of Fourteen pounds eight shillings which he expended for Fire Wood for the benefit of the Light.

Read and

Resolved that there be allowed and paid out of the publick Treasury to Robert Balls, keeper of the Light house the sum of Sixty pounds in consideration of his Services mentioned the year past ending the 19 November last; Also the further sum of Fourteen pounds eight shillings in discharge of his Account of Fire Wood expended during that time for the benefit of the Light. [*Passed December 16.*]

CHAPTER 212.

ORDER ERECTING CERTAIN INHABITANTS OF SPRINGFIELD WITH
THEIR ESTATES INTO A SEPARATE PRECINCT.

A PETITION of Daniel Leonard in behalf of the Freeholders and other Inhabitants of that part of the Town of Springfield in the County of Hampshire lying West of the Great River and Southerly of Agawom River so called in said Town; setting forth the great difficulties they Labour under both by reason of their distance, and by being obliged to cross the River to attend the publick Worship; and also the parish Meetings. And praying they may be set off a separate and distinct parish by certain Bounds and vested with such powers and privileges as other parishes are vested with.

Read and

Ordered That the prayer of the petition be granted, and that the Lands lying within the Bounds following Viz^t from Agawom River on the Northerly side to Suffield Bounds: on the South and from the Great River on the East to Westfield Bounds on the West (except such Lands as lye in Agawam Meadow so called belonging to the Inhabitants of Springfield now living in the other parts of said Town) be, and they with the Inhabitants living thereon, together with the Lands they own in any other part of said Town, now under Actual Improvement, hereby are erected into a separate precinct with all the immunities and privileges enjoyed by other precincts within this province whatsoever. Provided nevertheless that nothing in this Order shall be so understood as to exempt the said Inhabitants from paying their proportion of parish Taxes in said parish, that are in arrears unpaid, That, for Settlement of their present Minister only excepted. [*Passed December 16.*¹

Legislative
Records of the
Council, xxii.,
149.

Mass.
Archives,
cxvii., 216–239.
House Jour-
nal, pp. 206, 215,
216, 220.

CHAPTER 213.

ORDER IMPOWERING DUNCAN CAMPBELL, ESQ^R, TO BRING FORWARD
A WRIT OF REVIEW.

A PETITION of Duncan Campbell Esq^r of Oxford, setting forth, That having had large dealings with M^r Edward Bromfield late of Boston Deceased, and being in Boston in June, 1754. the said M^r Bromfield persuaded him to give his Bond for £575.12.7 which he said was the ballance, assuring him that as the petitioner had not brought his accounts with him, if the ballance should afterwards appear to be less, he should have Credit on his Bond for any Sums not carried to the Credit of his Account; That M^r Bromfield dying, his Executrix M^{rs} Abigail Bromfield impleaded the petitioner on the Bond, and recovered of him £22.4.7 more than the principal, and Interest due on the Bond besides Costs of Suit, and Execution was levied for the same on his Real Estate; That it now appears that he owed the deceased no more than £352.7.4 when the Bond was given. and between that time and the rendering the Judgment he had made such payments as brought a just ballance in his favour; And as the Judgment of the Inferiour Court was given against him

Legislative
Records of the
Council, xxii.,
136, 151.

House Jour-
nal, pp. 189, 190,
211.

¹ The House Journal, p. 206, omits the words beginning, "Provided," etc., to the end of the order. This proviso is an amendment found in Mass. Archives, xxxiii., 239, under date of December 16, 1757, to which reference is made in House Journal, pp. 215, 216 and 220, under dates of December 19 and 21.

by default; which Judgment was affirmed by the Superiour Court with Additional Costs, he is without remedy unless relieved by this Court; And praying That his Real Estate may be released and discharged from said Execution; and that the next Superiour Court of Judicature &c, to be held at Boston in and for the County of Suffolk may be impowered to chancer the bond aforesaid to the just debt and damage, or that he may be otherwise relieved.

Read and

Ordered That the prayer of the petition be so far granted as that the petitioner hereby is impowered at the next Superiour Court of Judicature &c. to be holden at Boston in and for the County of Suffolk on the third Tuesday of February next to review the Action commenced against him by Abigail Bromfield Executrix of the last Will and Testament of Edward Bromfield late of said Boston Merchant deceased, at the Inferiour Court of Common pleas held at said Boston in April last, and the Justices of said Superiour Court are hereby impowered and directed to hear and try said Action enter up Judgment and award Execution thereon to all intents and purposes whatsoever, as fully as if the said Duncan had had day in Court, and said Judgment of the Inferiour Court had not been affirmed. [*Passed December 17.*]

CHAPTER 214.

RESOLVE GRANTING £600 STERLING TO M^R AGENT BOLLAN FOR SERVICES.

Legislative
Records of the
Council, xxii.,
151.

House Jour-
nal, p. 210.
Infra, chap.
215.

Resolved that there be granted and paid out of the publick Treasury to William Bollan Esq^r Agent for this province at the Court of Great Britain the sum of Six hundred pounds Sterling in full of his Services in his Agency there for three years ending in January next. [*Passed December 17.*]

CHAPTER 215.

RESOLVE ALLOWING £937. 7. 5. 1 STERLING TO M^R AGENT BOLLAN IN FULL FOR HIS ACCOUNT.

Legislative
Records of the
Council, xxii.,
151.

House Jour-
nal, p. 210.
Supra, chap.
214.

Resolved That there be allowed and paid out of the publick Treasury to William Bollan Esq^r Agent for this province at the Court of Great Britain the sum of Nine hundred and thirty seven pounds seven shillings & five pence one farthing Sterling in full of his Account exhibited of his Expences to September, 1756. [*Passed December 17.*]

CHAPTER 216.

ORDER IMPOWERING CAPT. ZEDEKIAH STONE TO MAKE UP HIS MUSTER ROLL.

Legislative
Records of the
Council, xxii.,
152. Mass.
Archives,
lxvii., 336.

A PETITION of Zedekiah Stone Commander of a Scout of Thirty Men between Connecticut and Merrimack Rivers; setting forth, That receiving no orders to dismiss his said men till after the Expiration of the Establishment made by the Court for their pay

and Subsistence, he continued them in the Service until the last day of November; And praying that he may be allowed to make up his Muster Roll accordingly.

Read, and

Ordered, That y^e prayer of the Petⁿ be granted; and that the Petitioner be and hereby is Allowed to make up his said Roll till the last day of November as therein Mentioned. [*Passed December 19.*]

House Journal, pp. 203, 211.
Province Laws, xv., 708, chap. 448.

CHAPTER 217.

ORDER IMPOWERING DAVID BUTLER, ADM^R, TO SELL REAL ESTATE.

A PETITION of David Butler of Falmouth Administrator of the Estate of Benjamin Hatch late of said Falmouth deceased and Martha Hatch Widow of said deceased; setting forth That the Debts of the deceased amount to £19.6.8 more than his whole personal Estate; That his Real Estate is apprizd at Sixty two pounds 13^s and is so situated as that if a part only were to be sold, it would greatly injure the remainder; And praying that they may be enabled to Sell the whole; they to be Accountable.

Read and

Ordered that y^e prayer of the Petⁿ be granted; And that the Petitioner David in his said Capacity of Adm^r be and hereby is enabled to sell the Lands Mentioned for y^e most the same will fetch, & to give a good and sufficient Deed or Deeds of the same, he Observing the Rules of the Law respecting the sale of reall Estates by Executors & Admin^{rs} and giving Caution to y^e Judge of probate for the County of Barnstable, that the proceeds of said sale shall be applied According to Law. [*Passed December 19.*]

Legislative Records of the Council, xxii., 152. Mass. Archives, xix., 631.
Mass. Archives, xix., 630. House Journal, pp. 153, 207, 212. Province Laws, ii., 151, chap. 10.

CHAPTER 218.

ORDER GRANTING TO WALTER WESTCOTT LICENCE TO SELL STRONG DRINK.

A PETITION of Walter Westcott of Boston Mariner; praying that the Court of General Sessions of the peace for the County of Suffolk may be empowered at their Session in January next with the consent of the Selectmen to grant him a Licence to retail Spirituous Liquors at His House in Fish Street, the time limited by Law for granting Licences being elapsed notwithstanding.

Read and

Ordered That the prayer of the petition be granted and that the Justices of the Court of General Sessions of the peace for the County of Suffolk be and hereby are empowered at their next term to grant the petitioner a Licence (if they see fit) to retail Spirituous Liquors in the Town of Boston, he first obtaining the approbation of the Selectmen of said Town, the time for granting Licences being elapsed notwithstanding. [*Passed December 19.*]

Legislative Records of the Council, xxii., 152.
Mass. Archives, cxx., 186. House Journal, pp. 193, 212, 213.

CHAPTER 219.

ORDER REFERRING THE MEMORIAL OF CAPT. JABEZ BRADBURY IN REGARD TO COMPLAINTS OF CAPT. JAMES CARGILL.

Legislative
Records of the
Council, xxii.,
153. Mass.
Archives,
lxxvii., 367.

Mass.
Archives,
lxxvii., 366.
House Jour-
nal, pp. 131, 142,
215.

A MEMORIAL of Capt. Jabez Bradbury of S^t Georges in the County of York, setting forth, That he was lately Notified of a long Memorial of Capt. James Cargill which extremely affects his Character that so he might make Answer thereto on the 20th Instant, in which time it is impossible for him to do it; And as he has been a long time in the Service of the Government, and never fallen under blame; praying he may be indulged with Six or Eight days further time to prepare his Defence.

Read and

Ordered, That the prayer of this Memorial be so far granted, as that the hearing appointed to be had the 20th Instant on the Memorial of James Cargill be referred till friday y^e 23^d Instant at three oClock After Noon. [*Passed December 19.*]

CHAPTER 220.

RESOLVE ALLOWING 20/8 EACH TO EZRA PARKER AND NATHAN HARWOOD, JUN^R.

Legislative
Records of the
Council, xxii.,
153. Mass.
Archives,
lxxvii., 212.

House Jour-
nal, pp. 204, 215.

A PETITION of Ezra Parker a Soldier in the late Crown point Expedition; praying an Allowance for twenty two days service putting the Barracks in repair after the army was dismissed, for which he hath received no pay.

Read and

Resolved That there be allowed and paid out of the public Treasury to Tim^o Paine Esq^r for y^e use of the Pet^r the sum of twenty shillings & eight pence in full for his services Mentioned: Also That there be allowed the sum of twenty shillings & eight pence to Nathan Harwood jun^r of Leicester for the like services by him performed, and that the same be paid out of y^e public Treasury to Cap^t John Brown for his Use. [*Passed December 19.*]

CHAPTER 221.

RESOLVE ALLOWING £3.12 TO SAMUEL RICE.

Legislative
Records of the
Council, xxii.,
153.

House Jour-
nal, pp. 190, 213.
Province
Laws, xv., 441,
chap. 277.

A PETITION of Samuel Rice of a place called Charlemont in The County of Hampshire in behalf of himself and his three Brothers settled there; shewing that by direction of the General Court he Enlisted Six men to be Stationed at their Garrison, and promised them two Dollars each on their Inlistment, being the Bounty allowed to others employed in the like Service, And praying that he may receive the same out of the publick Treasury, and that the said Six Men may be continued there as long as the other Soldiers stationed at Charlemont to prevent their being obliged to quit their Settle-

ments, which if they should do, would prove very detrimental not only to themselves; but as they apprehend to the publick also.

Read and

Resolved That the prayer of the petition be so far granted, as that there be allowed and paid out of the publick Treasury to the petitioner the sum of Three pounds twelve shillings, being the Bounty that he promised to the Six Men that he inlisted by order of the Government, and that Six Men be allowed for said Garrison including the petitioner. and one of his Brothers; And that the petitioner be further allowed with his Brother Aaron and their Mother to billet said Men at the same price as hath usually been allowed until the further Order of this Court. [*Passed December 19.*]

CHAPTER 222.

RESOLVE ALLOWING £20. 5. 1 TO OBADIAH SAMPSON.

A PETITION of Obadiah Sampson of Middleborough, setting forth, That his Son Samuel Sampson a Soldier in the late Crown point Expedition returned home Sick of the Small pox and died; that another of his Sons took the distemper and recovered, That he and his family having never had it removed out of his House; all which was very Expensive and occasioned likewise much loss and damage in his business, which he is unable to Support; And praying an Allowance.

Legislative
Records of the
Council, xxii.,
155. Mass.
Archives,
lxxvii., 337.

House Jour-
nal, pp. 210, 211,
213, 217, 219.

Read, and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of twenty pounds five shill^s and one penny in Consideration of his Expences and Damages mentioned, & for his relief under his present difficult Circumstances, to be by him paid to the several persons and in the proportion expressed in the Schedule annexed,¹ in full discharge of their respective Accounts exhibited. [*Passed December 21.*]

CHAPTER 223.

ORDER WITH STAY OF EXECUTION IMPOWERING OLIVER STEARNS TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Oliver Stearns of Tewksbury in the County of Middlesex, setting forth, That in December, 1753. being a Servant and Apprentice to one Samuel Winch was prevailed on to sign a Bond with his said Master to one John Mansfield the petitioner being at that time an Infant, and the debt wholly his said Masters; That afterwards in February, 1754. the said Mansfield assigned the said Bond to one Jonathan Grimes of Bedford; That afterwards the said Grimes put the said Bond in Suit in Mansfields Name at Concord Court in September last, which the petitioner never heard of till lately, and now to his great Surprise hears there is an Execution out against him for Sixteen pounds five shillings & four pence debt, and for the Cost of Suit; That there are plain marks of Contrivance in the process, a special Deputy being made to serve an Original Summons and the Officer not returning a personal Service, but leav-

Legislative
Records of the
Council, xxii.,
142, 156.

House Jour-
nal, pp. 184, 201,
223.

¹ The schedule has not been found.

ing a Copy at the petitioners last place of Abode which might easily be done, and left so as none might see it; and praying Relief.

Read together with the Answer of Jonathan Grimes, Attorney to John Mansfield, and the parties being heard

Ordered That the prayer of the petition be so far granted as that the petitioner be and he hereby is impowered to bring forward his Writ of Review of the Action in the petition mentioned at the next Inferiour Court of Common pleas to be holden at Charlestown in and for the County of Middlesex on the second Tuesday of March next, and the Justices of the said Court are hereby authorized and impowered to hear and try the same, enter up Judgment and award Execution thereon in as full and ample manner as tho' the said default had never been made, and Execution is stayed in the mean time; provided the petitioner give sufficient Security in the Clerks Office of said Court to respond what may be finally found due with lawful Interest for the same from this time. [*Passed December 22.*]

CHAPTER 224.

ORDER ADJOURNING THE COURTS OF YORK COUNTY.

Legislative
Records of the
Council, xxii.,
156.

House Jour-
nal, p. 222.
Province
Laws, iii., 64,
chap. 32.

WHEREAS divers of the Justices of the Court of General Sessions of the peace and Inferiour Court of Common pleas which by Law is to be held at York in the County of York on the first Tuesday of January next, are Members of this Court, And the important Affairs of the province require their Attendance thereon Therefore

Ordered That the said Courts be adjourned to the second Tuesday of February next, And that all Matters & Things that might have day at said Courts on the first Tuesday of January shall be heard and tried on the said Second Tuesday of February; And that all Officers and other persons concerned in said Courts conform themselves accordingly. [*Passed December 22.*]

CHAPTER 225.

ORDER IMPOWERING JONATHAN BROWNELL, ADM^r, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
156.

House Jour-
nal, p. 227.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Jonathan Brownell Administrator of the Estate of William Brownell late of Dartmouth in the County of Bristol deceased; setting forth, That the deceaseds Debts and Funeral and other Charges amount to Eighty one pounds five shillings & two pence half penny more than his personal Estate Amounted to, And praying leave to sell as much of his Real Estate as will be sufficient to discharge the same.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in his said Capacity as Administrator be and hereby is authorized and impowered to make Sale of so much of the Real Estate of the said William Brownell as will be sufficient to pay his just Debts, and to make and Execute a good and Sufficient Deed or Deeds for the same, he observing the Rules of the

Law respecting the Sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of probate for the County of Bristol to Account for the produce thereof. [*Passed December 23.*¹

CHAPTER 226.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO JOSIAH OSGOOD.

A PETITION of Josiah Osgood of Andover, setting forth That in the year. 1756. his Son Solomon Osgood a Minor was impressed as a Soldier for the Crown point Expedition, and carried with him a Gun of the petitioners, notwithstanding which there is Four pounds stopped out of his Sons Wages for not returning his Gun into the province Store; And further setting forth that in the year. 1755. He had a Gun impressed and taken from him for the Use of Benja^a Ingols a Soldier then in the province Service; And praying an Allowance for the Use of said Gun; and likewise an Order to receive the Four pounds stopped on Account of the other.

Read and

Ordered, That y^e Treasurer be directed to pay To John Osgood Esq^r for the use of the Petitioner the four pounds stopped out of the Wages due to his Son Solomon Osgood a Soldier in y^e last Crown point Exped^a on Acc^o of his Arms not being returned. [*Passed December 23.*

Legislative
Records of the
Council, xxii.,
158. Mass.
Archives,
lxxvii., 305.
Mass.
Archives,
lxxvii., 305.
House Jour-
nal, p. 224.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 227.

RESOLVE ALLOWING £5. 13 TO ELIAB WHITE.

A PETITION of Eliab White of Norton; setting forth that he was impressed the 30th August, 1756. as a Soldier for the Crown point Expedition and Marched as far as Still Water where he was taken Sick and after his recovery stayed to take care of the Sick, and did not return home until the 9th November following, And as he is not made up in any Muster Roll; praying an Allowance for his Service and for his billeting.

Read and

Resolved that there be allowed and paid out of the public Treasury to M^r Thomas Morey for the Petitioners use the sum of five pounds thirteen shillings in full for his services mentioned, on the last Crown point Expedition. [*Passed December 23.*

Legislative
Records of the
Council, xxii.,
158. Mass.
Archives,
lxxvii., 6.
Mass.
Archives,
lxxvii., 5.
House Jour-
nal, pp. 14, 224,
225.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is December 22.

CHAPTER 228.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 AND A FURTHER SUM OF 12/ TO MICAH HOSKINS.

Legislative
Records of the
Council, xxii.,
159. Mass.
Archives,
lxxvii., 261.

Mass.
Archives,
lxxvii., 260.
House Jour-
nal, p. 225.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Micah Hoskins of Sheffield, setting forth, that he inlisted for the Crown point Expedition, and carried his own Gun, expecting an Allowance for it; but that instead of having such Allowance, there is Four pounds deducted from his Wages for not returning a Gun into the province Store; And praying Relief.

Read and

Ordered, That the Treasurer be directed to pay to Cap^t Ithamar Hubbell for the use of the Petitioner the four pounds stopped out of the Wages due to him for his Service on the last Crown-point Expedition, on Acco^t of his Arms not being returned with the further Sum of twelve shillings for the use of his own Gun. [*Passed December 23.*]

CHAPTER 229.

RESOLVE ALLOWING £2.13.4 TO EBENEZER BACON.

Legislative
Records of the
Council, xxii.,
160. Mass.
Archives,
lxxvii., 342.

Mass.
Archives,
lxxvii., 341.
House Jour-
nal, pp. 207, 228.
Province
Laws, iii., 732,
chap. 40.

A PETITION of Ebenezer Bacon of Billerica, setting forth That he Served in Capt. Lanes Company at the Eastward and Assisted at the building of Fort Hallifax for which his Captain gave him an Order for £2.13.4 and praying he may receive a Warrant for the same, and also for his Wages omitted in Capt. Lane's Muster Roll.

Read and

Resolved, That there be allowed & paid out of y^e public Treasury to the Petitioner the sum of two pounds thirteen shillings & four pence in full for his Services in Assisting in building said Fort as mentioned. [*Passed December 23.*]

CHAPTER 230.

ORDER IMPOWERING CATHERINE STREETER, ADM^x, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxii.,
161.

House Jour-
nal, pp. 183, 229,
230.

A PETITION of Katharine Streeter of Douglass in the County of Worcester Administratrix of the Estate of her late Husband Stephen Streeter deceased, setting forth, That her said Husband being seized of two ninth parts of a peice of Land in Framingham containing eleven Acres Sold the same to M^r Thomas Winch jun^r for thirty three shillings and 3^d3/4 but died before he had executed the deed; And praying that She as Administratrix may be impowered to give and execute a good and sufficient deed of the premisses to the said Winch agreeable to the Bargain made between him and her said Husband.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner in her said Capacity of Administratrix be and hereby is impowered to pass and execute a good deed in the Law of her

said deceased Husbands Interest in said Lands mentioned to the said Thomas Winch jun^r agreeable to the Contract made by her said Husband in his Life time, She to be accountable for the proceeds of the Sale according to Law. [*Passed December 24.*]

CHAPTER 231.

RESOLVE ALLOWING 24/ TO BENJAMIN WOODMAN.

A PETITION of Benjamin Woodman a Soldier in Col^o plaisteds Regiment in the late Crown point Expedition, praying an Allowance for attending Capt. Holt (under whom he Served) in his Sickness at the half Moon from the 17th November to the 8th of December by his Said Colonels Order for which he has had no Allowance.

Read and

Resolved That there be allowed and paid out of y^e public Treasury to John Bradbury Esq^r for the use of the Petitioner y^e sum of twenty four Shillings in full of his services mentioned. [*Passed December 24.*]

Legislative
Records of the
Council, xxii.,
162. Mass.
Archives,
lxxvi., 377.

Mass.
Archives,
lxxvi., 376.
House Jour-
nal, pp. 217, 229.

CHAPTER 232.

RESOLVE ALLOWING 40/ TO REUBEN ASTEN.

A PETITION of Reuben Asten a Soldier in the late Crown point Expedition praying an Allowance for five weeks service in attending on William Walker by order of Capt. Ingersoll after the Army was dismissed, for which time he is not made up in the Muster Roll.

Read and

Resolved, That y^e Prayer of this Petⁿ be so far granted, as that there be allowed, and paid out of y^e public Treasury to Mr David March, for the Petitioners use the sum of forty Shillings in full of his Services mentioned. [*Passed December 24.*]

Legislative
Records of the
Council, xxii.,
162. Mass.
Archives,
lxxvii., 4.

House Jour-
nal, pp. 217, 229.

CHAPTER 233.

RESOLVE ALLOWING TO LIEUT. JAMES PARKER AND LIEUT. NICHOLAS HOLT THE AMOUNT OF THEIR WAGES.

A PETITION of James Parker first Lieutenant and of Nicholas Holt second Lieutenant in Lieutenant Col^o James Frye's Company raised for the late Crown point Expedition; setting forth That their names were struck out of the Muster Roll by order of a Committee of the Court, as they apprehend through Misinformation, And having faithfully done their duty in their respective Stations; praying for Relief;

[Read and]

Resolved, That there be allowed and paid out of the publick Treasury to Lieutenant James Parker and Lieutenant Nicholas Holt their Wages due on the last Crown point Expedition as they are respectively borne in the Muster Roll for said Service. [*Passed December 24.*]

Legislative
Records of the
Council, xxii.,
162.

Legislative
Records of the
Council, xxii.,
140. House
Journal,
pp. 193, 216, 224,
231. Province
Laws, xv., 754,
chap. 562.

CHAPTER 234.

VOTE DIRECTING THAT EXPRESSES BE SENT TO OTHER NEW ENGLAND GOVERNMENTS FOR THE APPOINTMENT OF COMMISSIONERS TO CONCERT MEASURES FOR MUTUAL DEFENCE.

Legislative
Records of the
Council, xxii.,
163.

Mass.
Archives, vi.,
242, 249.
House Jour-
nal, p. 234.

Voted that Expresses be sent to each of the Governments of New England to desire them to appoint Commissioners to meet Commissioners to be appointed by this Government, to meet at Boston on the last Wednesday in January next to Concert measures for our mutual defence in this time of War and great danger. [*Passed December 24.*]

CHAPTER 235.

RESOLVE ALLOWING £20 TO THE DISTRICT OF GREENFIELD AND VOTE ASSESSING £20 TAX ON TOWN OF DEERFIELD.

Legislative
Records of the
Council, xxii.,
164. Mass.
Archives,
cxvii., 375.

Mass.
Archives,
cxvii., 374.
House Jour-
nal, pp. 192, 216,
217, 228, 229.

A PETITION of Benjamin Hastings & others a Committee of the District of Greenfield; setting forth their distressed Circumstances by reason of their living on an exposed Frontier in this time of War, That although they lived at the distance of one, two, three and four miles from each other, they are obliged to draw together into a few contiguous Houses, and neglect their Farms or do their Husbandry business in a body for each other by turns to the great disadvantage of the whole, from which discouragements Seventeen of their Number have left them, now leaving only thirty eight rateable polls, and that one full quarter part of all their Improvements lie neglected; Therefore praying Relief.

Read and

Resolved, That in Consideration of the Inhabitants of the said District of Greenfield being so much reduced in their numbers and driven off from their Improvements by the War as mentioned, there be allowed & paid out of the public Treasury the sum of twenty pounds to y^e Select Men of y^e said District to be by them distributed to and amongst the said Inhabitants in proportion to what each one is taxed to the Province this present Year:

And Also

Voted That the Treasurer be and hereby is impowered and Directed to add the said sum of Twenty pounds to the Province Tax which shall be assessed on the Town of Deerfield in the next Year's Tax Act. [*Passed December 24.*]

CHAPTER 236.

ORDER IMPOWERING JOSHUA HENSHAW, ESQ^R, TO ACT AS TREASURER FOR SUFFOLK COUNTY.

Legislative
Records of the
Council, xxii.,
165. Mass.
Archives, xix.,
634.

A PETITION of Joshua Henshaw Esq^r Administrator of the Estate of Richard Bill Esq^r deceased Intestate; setting forth That the said Richard has for divers years past been and at the time of his decease was Treasurer for the County of Suffolk, that he received sundry

Sums and made divers disbursements for the same County the present Year, for which in his Capacity aforesaid he is to Account; but apprehends he should be able to do it with greater convenience both to the County and himself if he could compleat the business of the Year; And praying that he may be enabled to Act as Treasurer of the County of Suffolk during the remaining part of the Year.

Read and

Ordered, That the Prayer of this Petⁿ be granted; And that the said Joshua Henshaw Esq^r be and hereby is Authorized to execute the Office of a County Treasurer for the County of Suffolk untill the time by Law appointed for the choice of County Treasurers, And that he shall be liable and held to Account in the same manner as County Treasurers are by Law to Account; And that he shall and may be sworn to the due Execution of his said Trust, at the next General Sessions of the peace for the County of Suffolk. [*Passed December 28.*]

House Journal, pp. 147, 148, 212. *Ante*, p. 64, chap. 141.

CHAPTER 237.

VOTE AND ORDER ACCEPTING REPORT OF COMMITTEE ON THE GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING 26 MAY, 1756, AND DISCHARGING HIM OF £196,076. 18. 9.

THE COMMITTEE to whom was referred the Examination of the Accompts of Harrison Gray Esq^r Treasurer and Receiver General of his Majesty's Revenues within this province of the Massachusetts Bay in New England beginning the 28th May. 1755. and ending 26. may. 1756. having attended that Service, upon examining the same find them right cast and well vouched by which it appears that the said Accomptant charg^ds himself with the sum of Twelve thousand six hundred twenty one pounds seven shillings and eight pence, being so much due for Taxes as represented by his last Account; Also with the sum of Seventeen thousand four hundred seventy two pounds nineteen shillings and two pence, the ballance due from him by last Accounts; Also with a Tax of Thirty nine thousand one hundred and fifteen pounds fourteen shillings Granted by the General Court in May. 1755. Also with the further sum of Eighteen thousand pounds a Tax granted by the General Court at their Session in September: Also with the further sum of Sixty seven thousand one hundred twenty one pounds seven shillings and two pence borrowed of sundry persons by virtue of several Acts of the Government, Also with the sum of Twenty hundred thirty one pounds eight shillings and three pence received of the honourable Daniel Russell Esq^r Commissioner of the Impost; Also with the sum of Eight hundred ninety six pounds eighteen shillings and one penny received of James Russell Esq^r Commissioner of the Stamp Office; Also with the sum of Forty thousand pounds borrowed of his Excellency William Shirley Esq^r Also with the further sum of Fourteen thousand and seventy two pounds twelve shillings and seven pence borrowed of sundry persons by virtue of several Acts of the Government; Also with the sum of Five thousand six hundred and twenty nine pounds two shillings and two pence received of the several Farmers of Excise on Liquors &c. Also with the sum of Three hundred Forty four pounds four shillings and eight pence received of the several Farmers of Excise on Tea &c. Also with the sum of One hundred thirty seven pounds seven shillings and four pence

Legislative Records of the Council, xxii., 166.

Mass. Archives, cxxiv., 380–452. House Journal, p. 237.

received of Isaac Freeman being the ballance due from William Fletcher for the province Galley; Also with the sum of Nine hundred and three pounds thirteen shillings and nine pence received of sundry Colonels and Captains in the late Expedition, the respective ballances due from them for Bounty Money and advance Wages which they received more than they disposed of; Also with the sum of One hundred and sixteen pounds sixteen shillings received of Col^o John Winslow being the ballance due from him upon the Kennebeck Expedition; Also with the Sum of Seventy three pounds five shillings and eleven pence received of the Commissioners of the £100,000 Loan and £50,000; Also with the Sum of Forty eight pounds fourteen shillings and six pence of Thomas Hutchinson Esq^r a Ballance due from M^r Lydius; Also with the sum of Twenty pounds received of Israel Williams Esq^r Executor to the Estate of Ephraim Williams Esq^r deceased, being a Ballance due from him to the province; Also with the sum of Thirty six pounds sixteen shillings and six pence received of sundry Justices & Sheriffs for Fines, All which Sums Amount to Two hundred & eighteen Thousand six hundred forty two pounds seven shillings and nine pence.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursments by order of the Governor with the Advice of the Council Amounting to One Hundred forty six thousand nine hundred forty one pounds four shillings and two pence; Also by sundry Government Securities burnt by the honourable Committee of the General Court Amounting with Interest to Fifteen thousand and twenty seven pounds five shillings and eleven pence; Also by Eleven hundred thirty six pounds one shilling and eleven pence paid sundry persons for Interest; Also by Abatement made sundry Collectors and Constables amounting to Twenty seven pounds eight shillings and ten pence; and by the Taxes still outstanding amounting to Thirty two thousand nine hundred and forty four pounds Seventeen shillings and eleven pence, and by a Ballance in hand further to Account for Twenty two thousand five hundred sixty five pounds nine shillings Amounting in the whole to Two hundred eighteen Thousand six hundred forty two pounds seven shillings and nine pence.

Voted and

Ordered That the foregoing accounts of the Treasurer and Receiver General beginning the 28 May. 1755. and ending the 26 May. 1756. be Accepted and he be discharged of the several Sums mentioned therein Amounting to One hundred ninety six thousand seventy six pounds eighteen shillings and nine pence; And that he be further Accountable to the province for the sum of Twenty two thousand five hundred sixty five pounds nine shillings the ballance of the said Account remaining in his hands. [*Passed December 29.*]

CHAPTER 238.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON THE GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING 25 MAY, 1757, AND DISCHARGING HIM OF £197,326. 9. 10.

Legislative
Records of the
Council, xxii.,
168. Mass.
Archives,
cxxiv., 501.

THE COMMITTEE to whom was referred the Examination of the Accompts of Harrison Gray Esq^r Treasurer and Receiver General of his Majesty's Revenues within this province of the Massachusetts Bay in New England beginning the 26th May. 1756. ending

the 25th May. 1757. having attended that Service upon examining the same find them right Cast and well vouched by which it appears that the said Accomptant charges himself with the sum of Thirty two thousand nine hundred forty four pounds seventeen shillings and eleven pence being so much due for Taxes as represented by his last Accompts; Also with the sum of Twenty two thousand five hundred sixty five pounds nine shillings, the Ballance due from him by last Accompts; Also with a Tax of Fifty eight thousand seven hundred pounds eleven shillings and four pence levied upon Polls and Estates by force of an Act of the General Court, at their Session in May. 1756. Also with the Sum of Ninety four thousand one hundred eighty one pounds five shillings and three pence being Money borrowed of sundry persons by virtue of several Acts of the Government; Also with the sum of Two thousand two hundred forty one pounds eleven shillings and nine pence received of the honourable Daniel Russell Esq^r Commissioner of the Impost; Also with the sum of Four hundred sixty seven pounds three shillings and five pence received of James Russell Esq^r Commissioner of the Stamp Office; Also with the sum of One thousand six hundred twenty seven pounds three shillings and nine pence received of sundry Colonels and Captains who received Money out of the Treasury to enlist men in the Expedition in 1756, more than they disposed of for that purpose; With the sum of Six thousand nine hundred eighteen pounds thirteen shillings and five pence received of sundry Farmers for the Excise upon Spirituous Liquors; With the Sum of Sixty eight thousand seven hundred forty four pounds seven shillings and six pence received of Charles Apthorp Esq^r being this province's proportion of the parliamentary Grant; With the sum of Sixteen pounds thirteen shillings received for Lands; With the sum of Forty two pounds four shillings and eight pence received of David Ingersol Esq^r being so much he wrongfully took out of the Treasury by virtue of a Cat Bill Also with the sum of Six hundred thirty six pounds ten shillings received for Excise upon Tea; Also with the sum of Two hundred twenty two pounds seventeen shillings received of Col^o Williams and Col^o Chandler for billeting money which they received more than they disposed of; Also with the sum of Twenty pounds received of Thomas Hutchinson Esq^r on Account of the £100,000 Loan with the sum of Twenty eight pounds received of Capt. John Frye for mistakes in his Roll; With the sum of Two pounds four shillings received of sundry Justices for Fines; all which sums amount to Two hundred eighty nine thousand three hundred fifty nine pounds twelve shillings.

Mass.
Archives,
cxxxiv., 500.
House Jour-
nal, pp. 225, 226,
227.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursments by order of the Governor with the advice of the Council, amounting to One hundred and thirty seven thousand seven hundred and eleven pounds two shillings; Also by sundry Government Securities burnt by the honourable Committee of the General Court amounting with Interest to Twenty five thousand one hundred seventy two pounds eight shillings and three pence; Also with Two thousand five hundred fifty three pounds eleven shillings and three pence paid sundry persons for one years Interest on Government Notes; also by Abatements made sundry Collectors and Constables amounting to One hundred fifty three pounds fourteen shillings; Also by Taxes still outstanding amounting to Thirty one thousand seven hundred thirty five pounds fourteen shillings and four pence; And by Ballance in hand

further to Account for Ninety two thousand thirty three pounds two shillings and two pence; Amounting in the whole to Two hundred eighty nine thousand three hundred fifty nine pounds twelve shillings.

THO^s HUBBARD *per* Order.

Read, and Accepted &

Resolved, That the foregoing Account of Harrison Gray Esq^r Treasurer of this Province be allowed; & that he be accordingly discharged of the several Sums abovemention'd, amounting to One hundred and Ninety Seven thousand three hundred and twenty six Pounds nine Shillings and ten pence; And that the Balance thereof being Ninety two Thousand & thirty three Pounds two Shillings and two pence he be further accountable to the province for. [*Passed December 29.*]

CHAPTER 239.

RESOLVE ALLOWING £15 TO JOSIAH LOOMIS.

Legislative
Records of the
Council, xxii.,
171.

House Jour-
nal, p. 29
(June, 1756);
p. 239.

A PETITION of Josiah Loomis living on province Land West of Sheffield; setting forth that on or about the 16th day of April, 1755. being then and there in the Execution of his Office as Deputy Sheriff he was assaulted by a number of persons appearing in a riotous manner and committed to the Common Goal in the City of Albany without reading or shewing any precept for their so doing, That after thirty days the petitioner was attached at the Suit of George Rosman for false Imprisonment whom he had committed to Springfield Goal in February preceeding by Warrant from lawful Authority; That he was also Arrested as a Trespasser on the Lands abovementioned at the Suit of Robert Livingston Esq^r and confined thereupon till the 22^d of August, when he was released paying near Seven pounds York Currency as Cost and giving Bond for Sixty two pounds more or upwards; And praying Relief.

Read and

Resolved That the prayer of this petition be so far granted as that there be allowed and paid out of the publick Treasury to the petitioner the sum of Fifteen pounds in full Consideration of his Expences and Sufferings mentioned. [*Passed December 30.*]

CHAPTER 240.

ORDER ACCEPTING REPORT OF COMMITTEE OF PAYQUAGE AND GRANTING AND CONFIRMING LANDS THEREIN.

Legislative
Records of the
Council, xxii.,
172.

House Jour-
nal, pp. 231, 232,
233, 234. Prov-
ince Laws, xv.,
663, chap. 394.

THE COMMITTEE on the Affairs of the New Township of Paquaog in the County of Worcester made a further report to the Court. Signed John Chandler. John Worthington, and is as follows, Viz^t

That on four of the six rights there last mentioned in their Report of the 21 February last as reserved for further Consideration the Committee have proceeded thereon as follows, Viz^t

On the Right originally proposed to be granted to Israel Hammond, the Committee find the House Lot and Meadow Lot thereof

sold to One Samuel Dexter; and the Residue of said Right after sundry mean Conveyances to have been sold to one Jason Babcock; that no improvements have been made thereon, saving what was done voluntarily on the House Lot by one Hunter, the purchaser thereof, and that much of the Taxes set thereon are unpaid; The Committee therefore sold the whole of the Right excepting said House Lot and Meadow Lot to said Jason Babcock at publick Vendue for the sum of Fifteen pounds six shillings and eight pence; Four pounds two shillings and eight pence of which is for the Use of the province, the residue thereof to pay the Taxes aforesaid in Arrear, And the said Jason secured the said Sums & further gave Bond for performing a Settlement on some part of said Right in such manner as mentioned in the former Report:

The Committee therefore propose that the said House Lot and Meadow Lot should be confirmed to said Samuel Dexter and his Assigns, And the Residue of said Right to said Jason his Heirs and Assigns.

On the Right originally proposed for Nehemiah Wright, The Committee found that One Lot thereof was long since Sold to one Abner Lee, that he had made very considerable Improvements thereon; that one Dexter had given Bond to the supposed Owner of the Residue of said Right to perform the Duty of Settling and had failed; that four pounds four shillings and two pence half penny of the Taxes set thereon was in Arrear, the Committee therefore sold the whole of said Right to said Abner Lee, the highest bidder therefor, for the sum of Twenty one pounds nine shillings to pay said Taxes, and Residue to be for the Use of the province, they therefore propose that the same be granted and confirmed to said Abner accordingly.

On the Right originally proposed for John Hadley the Committee find that the said Right was originally sold to Jonathan Green, who sold the House Lot thereof to Robert Marble after performing all Duty thereon (actual Residence only excepted) They also find that said Jon^a Green has since Sold the Residue of said Right, and that the same is now holden by Deed from him, and the said Jonathan Green having paid three pounds to the Committee for the Use of the province, and having procured one Luxford Goodwin to give Bond for performing a Settlement in usual manner on some part of said Right exclusive of the House Lot. The Committee report that said House Lot be confirmed to said Robert Marble and his Heirs and the Residue of said Right to Jonathan Green and his Assigns.

On the Right originally proposed for Richard Ward, the Committee found that very considerable Improvements were early made thereon by Jason Babcock, the Assignee of said Richard and that while he was labouring thereon he was captivated by the Indian Enemy, and finding the duty of Settlement &c. by him wholly performed since, report that the said Right be confirmed to the said Jason his heirs and Assigns. And as to the remaining two of the said six Rights The Committee found the Circumstances thereof to be so peculiar they apprehended they could not proceed to any determination respecting them at present, consistent with the design of their Commission, and the Interest of the Plantation.

And Whereas they were directed to make Sale of so much of the several Rights there (heretofore confirmed by the honourable Court) as should be necessary for paying any arrears of Taxes set thereon;

And as the Owners of sundry of said Rights have neglected to pay the Taxes set thereon, at least in part; and as it was to the manifest damage of said plantation, that the same should be longer in Arrear; The Committee have accordingly proceeded to make Sale of part thereof for that purpose, Viz^t

The Right originally granted to Daniel Adams was in Arrear the sum of Two pounds and five pence, the Committee therefore sold the thirty Acre Lot of said Right being Number 58. lying on West pequoag Hill to Timothy Paine Esq^r of Worcester for two pounds seventeen shillings for paying said Taxes and Cost being two pounds three shillings and one penny, and report that the same be confirmed to him accordingly.

On the Right originally granted to James Holden, the Committee found that of the Taxes set thereon; the sum of Six pounds two shillings and three pence half penny was in Arrear; they therefore Sold the 100 Acre Lot of that Right to Timothy Paine Esq^r to pay said Taxes and Cost being Six pounds five shillings.

On the Right originally called Joseph Brown's, the Committee found one pound three shillings and two pence farthing of the Taxes set thereon, yet in Arrear and unpaid, which with the Charges thereon made twenty six shillings, they therefore sold twenty six Acres of the 100 Acre Lot of said Right at 12^d p Acre to said Timothy paine Esq^r to pay the same; And also

On the Right originally proposed for John Cutting, the Committee sold the House Lot and the ten Acre Lot thereof to Timothy Paine Esq^r to pay the Taxes thereon that were in Arrear; and they humbly propose that said several parcels of Land so sold to said Timothy should be confirmed to him accordingly. And

On the Right originally called Daniel Fiske's, the Committee sold the thirty Acre Lot thereof to M^r Phineas Howard; one of the Committee, and highest bidder therefor for three pounds twelve shillings for the payment of the Taxes set thereon and unpaid; and propose that the same should be confirmed to him accordingly.

Also the Committee beg leave to inform; that on the three Rights mentioned in their former Report as sold to John Murray Esq^r for the sum of Seventy pounds thirteen shillings and four pence, there was due to said Proprietors of said Plantations for Taxes set on those Rights and then in Arrear the sum of thirty one pounds four shillings, which the Committee proposed should be paid out of the proceeds of said Sale; And the Residue being Thirty nine pounds nine shillings and four pence, should be for the use of the province; and they took said Murray's Obligations to the respective Treasurers for their respective Sums accordingly, and Submit their Conduct herein to Consideration.

And have only to add That they beg pardon for an Error that by Accident or inattention they committed in their former Report, in the description of two of the Rights therein mentioned by their mistaking the Christian names of two of the persons to whom said Rights were originally proposed to be granted, and so inserting the name of John MacKenny instead of James, and the name of Daniel Fiske instead of Isaac, and they pray that their former Report may be considered with this Correction and Amendment: And that whereas they were then ignorant of the name of one of the Sons of Jonathan page, mentioned in said Report as a Grantee with his Brother Joseph of part of the Right originally proposed for his Father, and So were obliged to leave a Blank therefor in said Re-

port, they would now inform that William Page was the person the Committee designed, and pray said Omission may be supplied accordingly.

Read and

Ordered that this Report be Accepted, and that the Lands by said Committee therein reported to be granted and confirmed: be and hereby are granted and confirmed to the respective persons therein mentioned accordingly. [*Passed December 30.*]

CHAPTER 241.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO FRANCIS KEEN.

A PETITION of Francis Keen of Pembroke; setting forth that he was a Soldier in the Crown point Expedition in 1756. and being Sick and unable to take care of himself lost his Gun, for which Four pounds has been stopped from his Wages; And praying Relief.

Read and

Ordered That the Treasurer be directed to pay to M^r Josiah Keen for the petitioners Use the Four pounds stopped out of the Wages due to him on the last Crown point Expedition on Account of his Arms not being returned.¹ [*Passed January 2.*]

Legislative
Records of the
Council, xxii.,
176.

Province
Laws, xv., 695,
chap. 416.

CHAPTER 242.

ORDER GRANTING TO JOSEPH PARKER LICENCE TO KEEP AN INN.

A PETITION of Joseph Parker of Falmouth in the County of York setting forth, That the Court of General Sessions of the peace for said County have established a Ferry in Falmouth, and the Selectmen of said Town have agreed with him to keep the same, and have likewise approved of his keeping a House of public Entertainment near said Ferry, which is very much needed for the Accommodation of Travellers, And praying that the Court of General Sessions of the peace next to be holden for said County may be empowered to grant him a Licence for that purpose, the Time for granting Licences being elapsed notwithstanding.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Justices of the Court of general Sessions of the peace for the County of York, be and hereby are empowered, at their Adjournment on the second day of Feb^y next, to grant the Pet^r a Licence (if they see fit) to keep an house of public Entertainment, in the Town of Falmouth, he first obtaining the Approbation of the Select men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed January 2.*]

Legislative
Records of the
Council, xxii.,
176. Mass.
Archives, cxi.,
407.

House Jour-
nal, p. 241.

¹ Not found in the House Journal.

CHAPTER 243.

ORDER GRANTING SAMUEL TORREY LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxii.,
178. Mass.
Archives, cxx.,
189.

A PETITION of Samuel Torrey; praying that he may be allowed to retail Spirituous Liquors at his Dwelling house in Boston, to enable him more comfortably to Maintain himself and Family under his present infirm state of Health.

Mass.
Archives, cxx.,
188. House
Journal, p. 245.

Read and

Ordered y^t the prayer of the Petⁿ be so far Granted as that the Justices of the General Sessions of the peace for the County of Suffolk at their Sessions on the first Tuesday of January Instant be and they hereby are authorized and impowered (if they see fit) to grant the Pet^r a Licence to retail Strong Liquors the time for granting Licences being elapsed notwithstanding. [*Passed January 2.*]

CHAPTER 244.

ORDER IMPOWERING HANNAH EELLS, GUARDIAN, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
178.

House Jour-
nal, pp. 228, 242.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hannah Eells of Hanover in the County of plymouth Widow Guardian to her three daughters, who are Minors; setting forth that they are interested about One Acre each in a Tract of Land, lying in the Town of Scituate in Common with others and undivided; that the same is so circumstanced, that no profit is likely to arise to them therefrom and a good opportunity now presents for Selling the same to Advantage; and praying she may be impowered to Sell the premisses, the Money arising thereby to be improved for the benefit of said Minors.

Read and

Ordered That the prayer of this petition be granted; and that the petitioner be and She hereby is impowered in her said Capacity to make Sale of the Lands mentioned for the most the same will fetch; She observing the directions of the Law respecting the Sale of Real Estates by Executors & Administrators and to make and execute a good and sufficient deed or deeds for Conveying the premisses to such person or persons as shall purchase the same, She first giving caution to the Judge of probate for the County of Plymouth For the proper Distribution of the proceeds of such Sale to and among the said Minors as they shall respectively Arrive at full Age or to their lawful Heirs. [*Passed January 3.*]

CHAPTER 245.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
179.

Mass.
Archives,

Resolved that there be allowed and paid out of the publick Treasury to M^r Samuel King for the use of Nathaniel Collins Three pounds; for the Use of Nathaniel Cooley forty shillings; for the Use of Trennance Webber fifty nine shillings; for the use of Joseph

Belknap fifty shillings; for the Use of Anthony Needham forty three shillings; for the use of Freeborn Moulton fifteen shillings; and for the use of Tristram Davis Four pounds; To Capt. Ithamar Hubbell for the use of Stephen Dewey and Nathan¹ Kellog thirty six shillings; for the use of John Huggins three pounds three shillings; and for the use of Thomas Whitney Three pounds two shillings; To M^r Fellows Billing for the use of Caleb Smith twenty one shillings; for the use of Belah Graves Six pounds seven shillings; for the use of Daniel Crawfoot eighteen shillings & eight pence; for the use of Richard Montague twenty four shillings; and for the use of Samuel Hawley Three pounds eighteen shillings & eight pence; and for the Use of Abner Cooley fifty one shillings; To Samuel White Esq^r for the use of John Danforth three pounds one shilling; for the use of John White four pounds ten shillings; for the use of Isaac Lincoln jun^r five pounds; for the use of Elijah Hatch three pounds ten shillings; and for the use of Elkanah Smith thirty six shillings; To John Worthington Esq^r for the use of Ebenezer Day fourteen shillings and two pence; for the Use of Daniel Wright forty six shillings and eight pence; for the use of Robert Hassard nineteen shillings; and for the use of Simon Smith twenty four shillings; To Timothy Paine Esq^r for the use of Experience Stockwell forty two shillings; for the use of Samuel Smith fifty six shillings; and for the Use of Edward Lyon Three pounds; To Capt. Jabez Upham for the use of Josiah Beaman thirty one shillings; for the use of Ebenezer Luce twenty shillings and four pence; and for the use of Simeon Bacon forty shillings and eight pence; To Capt. Nathaniel Sumner for the use of Mary Blackman Six pounds; To William Lawrence Esq^r for the Use of Joseph Baker four pounds ten shillings; To Capt. Joseph Williams for the use of John Thwing five pounds nineteen shillings and six pence; To M^r Eliphalet Whiting for the use of Michael Ware Three pounds five shillings and six pence; To Thomas Greenwood Esq^r for the use of Joshua Fuller thirty four shillings and six pence; To M^r Josiah Keen for the use of Francis Keen three pounds; To Capt. Nathaniel Smith for the use of Sylvester Richmond fifty five shillings and three pence, half penny, To M^r Matthew Noble for the use of John Bement twenty four shillings; To M^r Josiah Maxey for the use of Elijah Ingraham five pounds; To Capt. Joshua Hutchins for the use of John Darling jun^r fifty six shillings; To M^r David Marsh for the use of Ichabod perkins forty shillings and six pence; To Isaac Merrill Esq^r for the use of Andrew Flood Three pounds fifteen shillings; To M^r Ebenezer Stetson for the use of Matthew Briggs jun^r three pounds seventeen shillings and four pence; and to Nathaniel Stone Esq^r for the Use of Henry Wilson three pounds ten shillings and four pence, being in full consideration of the Expences in their respective petitions mentioned. [*Passed January 3.*]

lxxvi., 160, 222,
250, 260, 383,
493, 660;
lxxvii., 21, 22,
23, 24, 25, 26, 27,
28, 29, 36, 67,
143, 155, 166, 192,
193, 194, 218, 219,
236, 242, 250, 258,
267, 276, 283, 302,
303, 306, 322, 324,
335, 344.
House Journal,
pp. 242, 243.

CHAPTER 246.

RESOLVE ALLOWING NATH^l RICHARDSON £5. 17 AND FURTHER SUMS
OF 12/ AND £4.

A PETITION of Nathaniel Richardson of Townshend, setting forth, that he was a Soldier in the late Crown point Expedition; that being

Legislative
Records of the
Council, xxii.,
180. Mass.

Archives,
lxxvii., 138.

Mass.
Archives,
lxxvii., 157–159.
House Jour-
nal, p. 243.
Province
Laws, xv., 367,
chap. 97; 695,
chap. 416.

taken Sick at Fort William Henry he lay there fifteen days after the Forces were dismissed in November, and after that remained Sick on the Road and at length got home in February and continued Sick till the last of March, during all which time he was at great Expence for Doctors, and likewise for Horses and Subsistence on the Road; And further setting forth, that Four pounds has been deducted from his Wages for his Guns not being returned into the province Store, when in fact he carried his own Gun, and was on that Account intituled to some Allowance; And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to William Lawrence Esq^r for the use of the Petitioner the sum of five pounds seventeen shillings in consideration of his Sufferings and Expences mentioned whilst in the service on the last Crown-point Expedition with the further Sum of twelve Shillings for the use of his Gun: Also That the Treasurer be directed to pay the four Pounds which by mistake was stopped out of the wages due to him on said Expedition on Acc^o of his Arms not being returned. [*Passed January 3.*]

CHAPTER 247.

VOTE DESIRING HIS EXCELLENCY THE GOVERNOR TO ISSUE HIS WARRANT FOR THE PAYMENT OF WAGES OF OFFICERS AND CREW OF PROVINCE SHIP KING GEORGE AND ALSO BILLS OF THE PROVINCE SHIP AND SNOW.

Voted That his Excellency the Governor with the Advice of his Majesty's Council be desired to issue his Warrant on the Treasury for payment of the Officers and Seamen who have been employed in the Service on board the province Ship King George, and also such Tradesmens and other Bills for the province Ship and Snow as the Grants for building said Vessels are insufficient to discharge; out of the Appropriation for the Eighteen hundred men raised by this Government for his Majesty's Service under the Command of his Excellency the Earl of Loudoun. [*Passed January 5.*]

CHAPTER 248.

ORDER IMPOWERING ENOCH FREEMAN, ADM^r, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
182.

Province
Laws, ii., 151,
chap. 10.

A PETITION of Enoch Freeman Esq^r of Falmouth in the County of York Administrator of the Estate of Col^o Thomas Westbrook, setting forth That the deceaseds Estate is represented Insolvent; That he petitioned the Justices of the Superiour Court at their Session at York in June last for Licence to Sell so much of the deceaseds Real Estate as should be sufficient to pay the Debts according to the List of Claims reported to the Judge of probate; That a great part of said Real Estate was mortgaged to M^r Joseph Sherburne of Boston as Security to indemnify him on Account of his being bound for said Westbrook to Samuel Waldo Esq^r but it not appearing before the Justices of the Superiour Court what real damage said Sherburne had sustained thereby, the Court deferred their Judgment upon it; That his damage is now settled at Five

hundred and Twenty five pounds, and the Claims reported to the Judge of Probate Amounting to £266.8.8 the whole Amount of the deceaseds Debts is Seven hundred thirty one pounds thirteen shillings and four pence more than his personal Estate; And praying that he may be empowered to sell said mortgaged Lands and as much more as will be sufficient to discharge the Debts as aforesaid.

Read and

Ordered That the prayer of this Petition be so far granted as that the petitioner be and hereby is allowed to make Sale of so much of the Real Estate of said deceased including said mortgaged Estate as is sufficient to pay his debts; and make and execute a good and sufficient deed or deeds in Law for Conveyance thereof, the said Enoch observing the Laws relating to the Sale of Real Estates by Executors and Administrators. [*Passed January 6.*]

CHAPTER 249.

ORDER ALLOWING JAMES HOWARD THE PAY OF A LIEUT.

A PETITION of James Howard of Fort Western in Kennebeck River; setting forth, the hard Service of the Garrison posted there, and the necessity of more Officers to perform the same; And praying an Allowance accordingly.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Petitioner be and hereby is allowed to receive Lieutenant's pay from the Time of Making up his Roll in June 1756, to this Time, and so to the time of making up his next Roll, provided he be Continued in his Command at the Store-house at Cushnoc untill that Time, And Also to make up one Serjeant and one Corporal for the time aforesaid, including what they have received as private Soldiers. [*Passed January 6.*]

Legislative
Records of the
Council, xxii.,
183. Mass.
Archives,
lxxvii., 204.

Mass.
Archives,
lxxvii., 202.
House Jour-
nal, pp. 246, 253,
254.

CHAPTER 250.

RESOLVE ALLOWING £15 AND A FURTHER SUM OF 20/ TO WILLIAM ROSS.

A PETITION of William Ross in behalf of himself and his two Sons John Ross and Robert Ross; setting forth, That they being at Work in the Field in Sheepscut in May, 1755. were Captivated by the Indian Enemy and carried to Quebec and sold to the French at the rate of 250 Livres each, to discharge which Sum he and his Eldest Son served two Years and that Col^o Schuyler advanced that Sum for the Redemption of his Youngest Son, upon the petitioners giving him his note for it; That in July last they were sent in a Flag of Truce to England, from whence they went to Ireland and thence to New York and so to Boston; That by reason of his hardships he is become lame and infirm and unable to discharge his Obligation to Col^o Schuyler: And praying Relief.

Read &

Resolved that in Consideration of the Pet^r's great Sufferings and Loss as mentioned in his said Petition, there be granted and paid

Legislative
Records of the
Council, xxii.,
183. Mass.
Archives,
lxxvii., 354.

Mass.
Archives,
lxxvii., 353.
House Jour-
nal, pp. 242, 250.
Post, p. 125,
chap. 277.

to him or his Order out of the public Treasury the Sum of Fifteen Pounds to enable him to discharge his Obligation to the Hon^{ble} Peter Schuyler Esq^r for the 250 Livres by him advanced to the Petitioner for the Redemption of his said Son Robert, and that there be twenty Shillings more allowed & paid him out of the public Treasury, to bear his Expence to his own Habitation. [*Passed January 6.*]

CHAPTER 251.

ORDER IMPOWERING SAMUEL THACHER TO EXCHANGE LANDS.

Legislative
Records of the
Council, xxii.,
184.

House Jour-
nal, pp. 166, 250.

A PETITION of Samuel Thacher of Middleborough in the County of Plymouth; setting forth that his Son peter Thacher is interested in Right of his deceased Mother with others in certain Lots of Land in said Middleborough which descended to her from Capt. Peter Bennet deceased, but they are so divided as to render them incapable of being improved to the minors Advantage; And praying he may be enabled to exchange the minors Shares, so as to bring the whole into one body capable of improvement.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner be and he hereby is Authorized and empowered to make an Exchange of the Lands mentioned, and to make and execute a good and sufficient deed or deeds of Conveyance thereof; provided that the Deeds of the Lands which he shall receive in Exchange for those he shall Convey be taken in the name of the said Minor. [*Passed January 6.*]

CHAPTER 252

ORDER IMPOWERING SELECTMEN OF THE TOWN OF NEEDHAM TO REMOVE FRENCH INHABITANTS TO TOWN OF STOUGHTON, AND IMPOWERING SELECTMEN OF STOUGHTON TO REMOVE FRENCH INHABITANTS TO WRENTHAM.

Legislative
Records of the
Council, xxii.,
185. Mass.
Archives,
xxiii., 575.

Mass.
Archives,
xxiii., 574.
House Jour-
nal, pp. 220, 221,
230, 249, 251.
Province
Laws, iv., 97,
note; xv., 772,
chap. 610.

A PETITION of Amos Fuller and others Selectmen of the Town of Needham, setting forth, That there were five of the Nova Scotia French People placed there by the Government in, 1756. instead of which number there were twelve sent by the Sheriff and one added since, and as their Town is small, praying that some of them may be removed elsewhere.

Read, and

Ordered, That the Prayer of this Petition be so far granted, as that the Select-Men of Needham have liberty to remove seven of the said french persons from Needham to Stoughton; And that the Select Men of Stoughton be and hereby are directed to receive the said seven persons so removed under their Care: And

Whereas there are Already three of the late french Inhabitants of Nova Scotia at Stoughton and but two at Wrentham, it is further

Ordered, That the Select Men of Stoughton (on receiving the said seven persons) have leave to remove the aforesaid three persons to Wrentham And that the Select Men of Wrentham be and hereby are directed to recieve the same under their Care. [*Passed January 6.*]

CHAPTER 253.

ORDER IMPOWERING SARAH RICHARDSON, ADM^x, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Richardson Widow & Administratrix of the Estate of her late Husband M^r Josiah Richardson jun^r late of Dracut in the County of Middlesex deceased, setting forth That She hath obtained leave of the Superiour Court for Selling of the deceaseds Real Estate to the Amount of Seventy six pounds 14/9 to enable her to pay the Debts of the deceased; That She hath been in vain endeavouring to make Sale thereof, That the whole was Apprized at no more than Two hundred and twenty pounds, a considerable part of which consists of Buildings that are going to decay; That the deceased left Issue only one daughter an Infant of about ten months old, and that it would be greatly for her Interest to Sell the whole and improve the Overplus of the produce, after the Debts are paid, at Interest And praying leave accordingly.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in her said Capacity as Administratrix be and hereby is Authorized and empowered to make Sale of the Real Estate mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds for Conveyance thereof; She observing the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of probate for the County of Middlesex that the produce arising by said Sale shall be secured for the right Heir of the said deceased Viz^t The remainder of the two thirds after the payment of the just Debts of the said deceased, and the other third after the Decease of the said Widow. [*Passed January 6.*]

Legislative
Records of the
Council, xxii.,
186.

House Jour-
nal, pp. 224, 248.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 254.

ORDER IMPOWERING SELECTMEN OF BOXFORD TO REMOVE FRENCH
INHABITANTS TO TOWN OF MIDDLETON.

A PETITION of Thomas Perley and others Selectmen of the Town of Boxford; praying that some of the Nova Scotia French persons in that Town may be removed elsewhere.

Read and

Ordered, That the Prayer of this Petition be so far granted as that the Select Men of the said Town of Boxford, have liberty, if they see Cause, to remove six of the french people mentioned, that have been sent to them, to the Town of Middleton Viz^t Ommer Landerie, his wife and Family; And the Select Men of the said Town of Middleton are hereby directed to receive the said Ommer Landerie and his family Accordingly. [*Passed January 6.*]

Legislative
Records of the
Council, xxii.,
188. Mass.
Archives,
xxiii., 549.

House Jour-
nal, pp. 156, 254.

CHAPTER 255.

RESOLVE ALLOWING £14 TO ABRAHAM JOHNSON.

Legislative
Records of the
Council, xxii.,
189. Mass.
Archives,
lxxvii., 349.

Mass.
Archives,
lxxvii., 349.
House Jour-
nal, pp. 252, 257.

A PETITION of Abraham Johnson a Soldier in the late Crown point Expedition; praying an allowance for his Sufferings and Expences while in the Service of the Government:

Read and

Resolved, That there be allowed & paid out of the public Treasury to the Petitioner the sum of fourteen pounds in Consideration of his Sufferings And expences mentioned, after his return from the Army raised for the Expedition against Crown point, in the Year 1755. [*Passed January 6.*]

CHAPTER 256.

RESOLVE ALLOWING 16/ TO MATTHEW NOBLE.

Legislative
Records of the
Council, xxii.,
189. Mass.
Archives,
lxxvii., 263.

House Jour-
nal, pp. 216, 247.

A PETITION of Matthew Noble of Westfield, setting forth That his Servant Abel Drake went in the Crown point Expedition the last year in Capt. John Moselys Company and was made up fifteen days short in the Muster Roll and after his return home was incapable of business for two Months; And praying an Allowance.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of Sixteen shillings being in full for the fifteen days Wages omitted in the Muster Roll of the Company his said Servant belonged to, on the last Crown-point Expedition. [*Passed January 7.*]

CHAPTER 257.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
189.

Mass.
Archives,
lxxvi., 255, 357,
466; lxxvii.,
147, 156, 186, 187,
215, 222.
House Jour-
nal, pp. 251, 252.

Resolved That there be allowed and paid out of the publick Treasury to Capt. Nathaniel Smith for the use of Jabez Wood, twenty shillings; To Joseph Gerrish Esq^r for the use of Edmund Bailey Four pounds four shillings and eight pence; and for the use of Sarah Perkins Four pounds seven shillings and six pence; To Michael Dalton Esq^r for the use of Richard Kent twenty shillings; To Capt. Timothy Walker for the Use of Peter Carpenter, Forty shillings; To Capt. Henry King for the use of Samuel Reed jun^r Four pounds five shillings and four pence; To Benjamin Reed Esq^r for the use of Samuel Nevers Six pounds five shillings and six pence; To Capt. James Barrett for the use of Consider Soper, Four pounds two shillings and eight pence; And to Capt. Ephraim Spaulding for the use of James Emery three pounds nine shillings and eight pence being in full consideration of the Expences in their petitions respectively mentioned. [*Passed January 7.*]

CHAPTER 258.

RESOLVE ALLOWING £1,000 TO SIR WILLIAM PEPPERRELL.

Resolved, That there be granted and paid out of the Public Treasury to Sir William Pepperrell Bar^t the Sum of One Thousand Pounds, in full of His Expences whilst employed as Lieutenant General in the late Expedition against Louisbourg. [*Passed January 7.*]

Legislative
Records of the
Council, xxii.,
190. Mass.
Archives,
lxxvi., 684.

Mass.
Archives,
lxxvi., 680.
House Jour-
nal, pp. 425, 428,
468 (April,
1757); pp. 256,
258. *Infra*,
chap. 259.

CHAPTER 259.

RESOLVE ALLOWING £188 TO SIR WILLIAM PEPPERRELL.

Resolved That there be granted and paid out of the publick Treasury to Sir William Pepperrell Bar^t in addition to the Grant made him the second day of January. 1754. the sum of One hundred and eighty eight pounds in full of the Wages due to him for his Services as Lieutenant General in the late Expedition against Louisbourg. [*Passed January 7.*]

Legislative
Records of the
Council, xxii.,
190.

House Jour-
nal, p. 258.
Province
Laws, xv., 95,
chap. 224.
Supra, chap.
258.

CHAPTER 260.

RESOLVE ALLOWING SUBSISTENCE MONEY TO SOLDIERS ON THEIR RETURN HOME.

Resolved That there be allowed and paid out of the publick Treasury to the Soldiers employed in the last Expedition against Crown point belonging to the County of Hampshire who subsisted themselves on their return home from the Army, thirteen shillings and six pence each; to those belonging to the County of Essex twenty one shillings each; to those belonging to the County of Worcester Sixteen shillings and six pence; to those belonging to the County of Plymouth twenty five shillings each; to those belonging to the County of Bristol twenty four shillings each; to those belonging to the County of Suffolk and to the County of middlesex twenty one shillings each; to those belonging to the County of Barnstable twenty six shillings and six pence each; And to those belonging to the County of York twenty eight shillings and six pence each; And as to those persons who received any Support on the Governments Account upon their said return, they to comply with the order heretofore passed by this Court, by making Oath before the Treasurer of the province or a Justice of the peace how much they received on that Account.¹ [*Passed January 9.*]

Legislative
Records of the
Council, xxii.,
191.

Province
Laws, xv., 585,
chap. 137.

¹ Not found in the House Journal.

CHAPTER 261.

RESOLVE ALLOWING 40/ TO JONATHAN BARNARD.

Legislative
Records of the
Council, xxii.,
192. Mass.
Archives,
lxxvii., 264.

Mass.
Archives,
lxxvii., 264.
House Jour-
nal, pp. 253, 261.
Ante, p. 89,
chap. 199.

A PETITION of Jonathan Barnard of Waltham, setting forth, That his Son Jonathan Barnard was a Soldier in the Crown point Expedition in 1755. and carried with him his own Gun; That his said son was killed in the Service and his Gun lost, and praying an Allowance for said Gun.

Read and

Resolved, That there be allowed and paid out of the public Treasury to Samuel Livermore Esq^r for the Petitioners use the sum of forty Shillings in full Consideration for the Loss of the Gun mentioned w^{ch} his said son carried into the service on the first Crown-point Expedition. [*Passed January 10.*]

CHAPTER 262.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN SUFFOLK COUNTY.

Legislative
Records of the
Council, xxii.,
193.

House Jour-
nal, p. 262.

In the House of Representatives;

Ordered That Thomas Flucker and Joseph Williams Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Suffolk for the current Year.

In Council; Read and Concurred; and Samuel Watts Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 263.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE, AND CHINAWARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxii.,
193.

House Jour-
nal, p. 262.

In the House of Representatives;

Ordered that John Choate and Joseph Gerrish Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Essex for the current Year.

In Council; Read and Concurred; and Benjamin Lynde Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 264.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN MIDDLESEX COUNTY.

In the House of Representatives;

Ordered that Samuel Livermore and James Russell Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Middlesex for the current Year.

Legislative
Records of the
Council, xxii.,
193.
House Jour-
nal, p. 262.

In Council; Read and Concurred; and William Brattle Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 265.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN HAMPSHIRE COUNTY.

In the House of Representatives;

Ordered that John Worthington and Elijah Williams Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Hampshire for the current Year.

Legislative
Records of the
Council, xxii.,
193.
House Jour-
nal, p. 262.

In Council; Read and Concurred, and Col^o Israel Williams is joined in the Affair. [*Passed January 10.*]

CHAPTER 266.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN WORCESTER COUNTY.

In the House of Representatives;

Ordered That Timothy Ruggles and Timothy Paine Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware for the County of Worcester for the current Year.

Legislative
Records of the
Council, xxii.,
193.
House Jour-
nal, p. 262.

In Council; Read and Concurred, and John Chandler Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 267.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN PLYMOUTH COUNTY.

In the House of Representatives;

Ordered that Thomas Foster Esq^r and Mr John Brewster, with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Plymouth for the current Year.

Legislative
Records of the
Council, xxii.,
193.
House Jour-
nal, p. 262.

In Council; Read and Concurred and Gamaliel Bradford Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 268.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxii.,
194.

House Jour-
nal, p. 262.

In the House of Representatives;

Ordered that M^r Edward Bacon and Nathaniel Stone Esq^r with such as the honourable Board shall join be a Committee to farm out the Excise on Tea Coffee and China Ware in the County of Barnstable for the current Year.

In Council; Read and Concurred and Sylvanus Bourn Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 269.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BRISTOL COUNTY.

Legislative
Records of the
Council, xxii.,
194.

House Jour-
nal, p. 262.

In the House of Representatives;

Ordered that Samuel White Esq^r and M^r Thomas Morey, with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Bristol for the current Year.

In Council; Read and Concurred, and George Leonard Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 270.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN YORK COUNTY.

Legislative
Records of the
Council, xxii.,
194.

House Jour-
nal, p. 262.

In the House of Representatives;

Ordered that John Bradbury Esq^r and M^r Benjamin Chadburn, with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of York for the current Year.

In Council; Read and Concurred, and John Hill Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 271.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN DUKES COUNTY.

Legislative
Records of the
Council, xxii.,
194.

House Jour-
nal, p. 262.

In the House of Representatives;

Ordered that John Norton and John Sumner Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Dukes County for the current Year.

In Council; Read and Concurred and Zaccheus Mayhew Esq^r is joined in the Affair. [*Passed January 10.*]

CHAPTER 272.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN NANTUCKET COUNTY.

In the House of Representatives;

Ordered that Abishai Folger Esq^r and Capt. Joseph Rotch with such as the honourable Board shall join be a Committee to farm out the Excise on Tea, Coffee and China Ware in the County of Nantucket for the current Year.

In Council; Read and Concurred and Josiah Coffin Esq^r is joined in the Affair. [*Passed January 10.*]

Legislative
Records of the
Council, xxii.,
194.
House Jour-
nal, p. 263.

CHAPTER 273.

ORDER IMPOWERING TABITHA RAMSDELL, ADM^x, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Tabitha Ramsdell Widow and Administratrix of Ebenezer Ramsdell late of Lynn in the County of Essex deceased Intestate; setting forth, That the Debts against the Estate of the said Intestate amount to Seventy four pounds eighteen shillings and five pence one farthing more than all his personal Estate will pay; And praying that She may be Authorized and Impowered to make Sale of so much of the Real Estate of the said Ebenezer situate in Lynn aforesaid, as may be sufficient to pay off and discharge the said Debts.

Read and

Ordered That the prayer of this petition be granted; and that the petitioner in her said Capacity of Administratrix be and she is hereby impowered to make Sale of so much of the Real Estate of said Deceased, as will amount to the Sum of Seventy four pounds eighteen shillings and five pence one farthing and the Charges arising by such Sale, and to make and execute a good and sufficient deed or deeds in the Law for Conveyance thereof. She observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Essex for the Application of the Money arising by said Sale for payment of the Debts mentioned and for duly Accounting for the Overplus if any there be. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
195.
House Jour-
nal, pp. 254, 258.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 274.

VOTE ALLOWING £450 TO THE COMMITTEE OF WAR.

A MEMORIAL of John Osborne Esq^r in the name and by order Of the Committee of War; setting forth their Services in providing Warlike Stores, Provisions and Transports for the Expedition against Crown point pursuant to the order of Court, and praying Allowance.

Read and

Voted, That y^e Committee of War be allowed to Charge in their Accounts the sum of four Hundred and fifty Pounds in Considera-

Legislative
Records of the
Council, xxii.,
197. Mass.
Archives
lxxvii., 351.

Mass.
Archives,
lxxvii., 350.
House Jour.

nal, pp. 249, 250,
268. Province
Laws, xv., 443,
chap. 282.

tion of their faithfull discharge of that important Trust for the Year 1756, said Sum to be divided amongst them According to the time of their Attendance. [*Passed January 11.*]

CHAPTER 275.

ORDER IMPOWERING SARAH MIXER, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
195.

House Jour-
nal, p. 272.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Sarah Mixer Relict of Hopestill Mead late of Waltham in the County of Middlesex deceased; setting forth, That two thirds of the deceaseds Real Estate Amounting to £66.16 has been set off and sold according to Law for payment of the deceaseds Debts; that there still remains Twenty seven pounds four shillings and three pence due From the Estate for the payment whereof there is no Estate left save the third which was set off to the petitioner as her Dower That She is desirous of paying all the Debts and as the deceased left no Issue Praying that She may be impowered to Sell the third of the Real Estate which was set off to her as aforesaid for that purpose.

Read and

Ordered That the prayer of the petition be granted, and that the petitioner in her said Capacity be and she hereby is authorized and impowered to make Sale of the third within mentioned and to give a good and sufficient deed or deeds for the same She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of probate &c. for the County of Middlesex to apply the proceeds for the payment of the deceaseds Debts, and to Account for the Overplus (if any there be) agreeable to Law. [*Passed January 12.*¹]

CHAPTER 276.

RESOLVE ALLOWING £6.1.9 AND A FURTHER SUM OF £4 TO CALEB WOOD.

Legislative
Records of the
Council, xxii.,
198. Mass.
Archives,
lxxvii., 179.

Mass.
Archives,
lxxvii., 179.
House Jour-
nal, p. 252.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Caleb Wood of Middleborough, setting forth That he was an inlisted Soldier in the late Crown point Expedition that he was Taken Sick at Lake George, and was at the expence of £9.11.1 on Account thereof, that during his Sickness his Gun was by the Adjutant of the Regiment taken out of the Tent where he lay Sick, on account of which Gun there has been Four pounds stopped from his Wages; And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to Cap^t Nath^l Smith for the Petitioners Use Six pounds one Shilling and Nine pence, in Consideration of his Expences & Sufferings as Mentioned; Also That the Treasurer be and hereby is directed to pay the four pounds Stopped out of the Wages due to him on the last Crown point Expedition on Account of his Arms not being returned. [*Passed January 12.*]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 11.

CHAPTER 277.

RESOLVE ALLOWING £100 TO PETER SCHUYLER, ESQ^r.

Resolved, That there be allowed and paid out of the Public Treasury to Peter Schuyler Esq^r or his Order the sum of One Hundred Pounds, to reimburse him the Sums he paid at Quebeck for the relief of the distressed Soldiers there who belonged to this Province, and and ¹ in consideration of the Trouble he has been at in the Affair. And

Legislative
Records of the
Council, xxii.,
199. Mass.
Archives,
lxxvii., 394.

Mass.
Archives,
lxxvii., 394–398.
House Jour-
nal, p. 270.

That His Excellency the Governor be desired to inform that Gentleman of the gratefull sense the two Houses have of this Instance of his Goodness and Humanity. [*Passed January 12.*]

CHAPTER 278.

RESOLVE ALLOWING 26/8 AND A FURTHER SUM OF £3. 13. 4. TO WALTER M^cFARLAND.

A PETITION of Walter M^cFarland Interpreter of the Indian Tongue at S^t Georges; setting forth That in the year, 1747. he was taken Captive by the Indians that upon a peace he was relieved from his Captivity upon the payment of Ten pounds (Old tenor,) That the Government ordered him Five Months Schooling upon his return, the better to qualify him for an Interpreter, but that he was called into the publick Service at Richmond before he could have the benefit of said Schooling, and that he has been obliged to pay out of his Wages for what instruction he could get; And praying an Allowance:

Legislative
Records of the
Council, xxii.,
200. Mass.
Archives,
lxxvii., 388.

Mass.
Archives,
lxxvii., 387.
House Jour-
nal, pp. 266, 267,
270, 271. Prov-
ince Laws, xv.,
82, chap. 188.

Read and

Resolved, That the Prayer of this Petition be so far granted, as That there be allowed and paid out of the public Treasury to the Petitioner Twenty six Shillings and eight pence being a sum equal to what was paid out of his Wages for his redemption from the Indians, with the further sum of three pounds thirteen shill^s and four pence in full Consideration for the schooling he was to have received by order of this Government. [*Passed January 12.*]

CHAPTER 279.

ORDER ACCEPTING REPORT OF COMMITTEE ON COMPLAINTS OF DIVERS FRENCH INHABITANTS OF SUNDRY TOWNS.

THE PETITIONS of Francis Mius a Nova Scotia French person placed at Tewksbury, of Lawrence Mius another of said French persons placed at Methuen, and of John Labradore another of said French persons placed at Wilmington; respectively setting forth the hardships and sufferings they undergo in their present Situation; and praying Relief; On each of which was respectively entered as follows Viz^t

Legislative
Records of the
Council, xxii.,
192. Mass.
Archives,
xxiii., 603.

Mass.
Archives,
xxiii., 509, 547,
576. Legis-
lative Records
of the Council,
xxii., 202.
House Jour.

The Com^{tee} to whom was Committed the Petitions of Seneral French Newtrals: having met and Considered the same; and inas-

¹ Sic.

nal, pp. 264,
265. Province
Laws, xv., 535,
chap. 15.

much as there is a Com^{tee} of both houses Chosen to Consider of some way for the relief of this Province Under the heavy burden we are at Present labouring under respecting their Support; are of oppinion that the Secretary be desired to write to the select men of the respective Towns to which s^d Petitioners belong; the Substance of their Several Complants and that y^e Court Expect they would conform to the several orders of Government relative to their Support, and that they take effectual Care that they be placed in such Houses as may defend them from the Inclemency of the Season.
all which is Humbly Submitted

p^r order JAMES MINOT

Read and

Ordered, That the report be Accepted. [*Passed January 13.*]

CHAPTER 280.

RESOLVE ALLOWING £60 TO THE DOORKEEPER.

Legislative
Records of the
Council, xxii.,
202.

House Jour-
nal, p. 275.

Resolved That there be allowed and paid out of the publick Treasury the sum of Sixty pounds to M^r William Baker Doorkeeper to his Excellency the Governor and this Court, for his Service for one year to be paid Quarterly; and also the further sum of Forty pounds in consideration of his Expences in hiring Assistance and extraordinary Care and Trouble as Doorkeeper. [*Passed January 13.*]

CHAPTER 281.

RESOLVE ALLOWING £50 TO LIEUT^T JOHN LARRABEE.

Legislative
Records of the
Council, xxii.,
202.

House Jour-
nal, p. 275.

Resolved That there be allowed and paid out of the publick Treasury the sum of Fifty pounds to John Larrabee Lieutenant of his Majesty's Garrison at Castle William in consideration of his faithful discharge of that Trust reposed in him. [*Passed January 13.*]

CHAPTER 282.

RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Legislative
Records of the
Council, xxii.,
202.

House Jour-
nal, p. 275.

Resolved That there be granted and allowed to be paid out of the publick Treasury to M^r John Phillips Chaplain of his Majesty's Castle William the sum of Forty pounds as a Gratuity for his Service in that Trust for one year. [*Passed January 13.*]

CHAPTER 283.

RESOLVE ALLOWING £6 TO THE CHAPLAIN OF THE HOUSE.

Resolved That there be allowed and paid out of the publick Treasury the sum of Six pounds to the Rev^d M^r Ebenezer Pemberton, Chaplain to the House of Representatives the current Year. [*Passed January 13.*]

Legislative
Records of the
Council, xxii.,
203.

House Jour-
nal, p. 275.

CHAPTER 284.

RESOLVE ALLOWING £6 TO THE CHAPLAIN OF THE BOARD.

Resolved That there be allowed and paid out of [the]¹ publick Treasury the Sum of Six pounds to the Rev^d M^r Jeremy Condy, Chaplain to the Honourable Board the current Year. [*Passed January 13.*]

Legislative
Records of the
Council, xxii.,
203.

House Jour-
nal, p. 274.

CHAPTER 285.

RESOLVE ALLOWING £75 TO THE CLERK OF THE HOUSE.

Resolved That there be granted and allowed to be paid out of the publick Treasury the sum of Seventy five pounds to Henry Gibbs Esq^r Clerk of the House of Representatives for his Service during the several Sessions of the General Court the current Year. [*Passed January 13.*]

Legislative
Records of the
Council, xxii.,
203.

House Jour-
nal, p. 274.

CHAPTER 286.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

In the House of Representatives

Resolved, That there be granted, and allowed to be paid out of the publick Treasury, the Sum of four Shillings per Diem, to the honourable Thomas Hubbard, Esq^r Speaker of the House, for every Day of his Attendance in the General Court from the opening of the Session, on the 25th Day of May 1757. over and above his Pay as a member of this House.

In Council Read and Concur'd. [*Passed January 13.*]

Legislative
Records of the
Council, xxii.,
203. Mass.
Archives, l., 73.

House Jour-
nal, p. 274.

CHAPTER 287.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Resolved That there be granted and allowed to be paid out of the publick Treasury the sum of One hundred and fifty pounds to the honourable John Wheelwright Esq^r Commissary General for his Services in that Office for one year. [*Passed January 13.*]

Legislative
Records of the
Council, xxii.,
203.

House Jour-
nal, p. 274.

¹ Inserted from the House Journal, p. 274.

CHAPTER 288.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Legislative
Records of the
Council, xxii.,
203.

House Jour-
nal, p. 274.

Resolved That the sum of Two hundred and Sixty seven pounds be granted and allowed to be paid out of the publick Treasury to Harrison Gray Esq^r Treasurer and Receiver General of his Majesty's Revenues of this province for a Year's Service ending the 23^d day of December last. [*Passed January 13.*]

CHAPTER 289.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative
Records of the
Council, xxii.,
203.

House Jour-
nal, p. 274.
Infra, chap.
290.

Resolved That the sum of Fifty pounds be granted and allowed to be paid out of the publick Treasury to the honourable Andrew Oliver Esq^r Secretary of this province for his Services for one year ending the Sixth day of December last. [*Passed January 13.*]

CHAPTER 290.

RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Legislative
Records of the
Council, xxii.,
204.

House Jour-
nal, p. 274.
Supra, chap.
289.

Resolved That the sum of Ninety pounds be granted and allowed to be paid out of the publick Treasury to the honourable Andrew Oliver Esq^r Secretary of this province in consideration of his extraordinary Services to the Sixth day of December last. [*Passed January 13.*]

CHAPTER 291.

RESOLVE ALLOWING £20 TO M^r JUDAH MONIS.

Legislative
Records of the
Council, xxii.,
204.

House Jour-
nal, p. 274.

Resolved That there be granted and allowed to be paid out of the publick Treasury to M^r Judah Monis Hebrew Instructor at Harvard College in Cambridge the sum of Twenty pounds as a Gratuity in consideration of his faithful discharge of that Trust reposed in him, and for his further encouragement therein. [*Passed January 13.*]

CHAPTER 292.

RESOLVE ALLOWING £90 TO JOHN WINTHROP, ESQ^r.

Legislative
Records of the
Council, xxii.,
204.

Resolved That there be granted and allowed to be paid out of the publick Treasury to John Winthrop Esq^r Hollisian professor of the Mathematicks and Natural philosophy at Harvard College in Cam-

bridge the sum of Ninety pounds as a Gratuity in consideration of his faithful discharge of that Trust reposed in him, and for his further encouragement therein. [*Passed January 13.*]

House Journal, p. 274.

CHAPTER 293.

RESOLVE ALLOWING £100 TO REV^D DR. EDWARD WIGGLESWORTH.

Resolved That there be granted and allowed to be paid out of the publick Treasury to the Rev^d Doctor Edward Wigglesworth, Hollisian professor of Divinity at Harvard College in Cambridge the sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him, & for his further Encouragement therein. [*Passed January 13.*]

Legislative Records of the Council, xxii., 204.

House Journal, p. 273.

CHAPTER 294.

RESOLVE ALLOWING £250 TO M^R PRESIDENT EDWARD HOLYOKE.

Resolved That there be granted and allowed to be paid out of the publick Treasury the sum of Two Hundred and fifty pounds to the Reverend M^r Edward Holyoke President of Harvard College over and above the Rents of Massachusetts Hall for one year ending the tenth day of September next to be paid quarterly. [*Passed January 13.*]

Legislative Records of the Council, xxii., 204.

House Journal, p. 273.

CHAPTER 295.

RESOLVE ALLOWING £40 TO M^R CHIEF JUSTICE SEWALL.

Resolved, That the Sum of Forty Pounds be granted and paid out of the publick Treasury, to the Honourable Stephen Sewall Esq^r in Consideration of his faithful Discharge of the important Trust reposed in him as Chief Justice, and for his further encouragement therein. [*Passed January 13.*]

Legislative Records of the Council, xxii., 205. Mass. Archives, xli., 382.

House Journal, p. 273.

CHAPTER 296.

RESOLVE ALLOWING £750 TO THE JUDGES OF THE SUPERIOUR COURT.

Resolved That the sum of Seven hundred and fifty pounds be granted and paid out of the publick Treasury to the honourable Justices of the Superiour Court of Judicature Court of Assize and General Goal Delivery for their Services for one year ending the first Instant. [*Passed January 13.*]

Legislative Records of the Council, xxii., 205.

House Journal, p. 273.

CHAPTER 297.

ORDER IMPOWERING GEORGE NEWMAN, JR, AND LUCY NEWMAN, ADM^x,
TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
206.

House Jour-
nal, pp. 268, 278.
Province
Laws, II., 151,
chap. 10.

A PETITION of George Newman jun^r and Lucy his Wife Administratrix of the Estate of Samuel Baker late of Ipswich in the County of Essex deceased, setting forth that she has paid the deceaseds Debts, which amounted to considerably more than the personal Estate left by him, together with the proceeds of the Lands She was enabled by the Superiour Court to Sell; and praying that they may be impowered to Sell off so much more of his Real Estate as will pay her the ballance due on her Account of Administration.

Read and

Ordered That the prayer of this petition be granted; and that the said George Newman and Lucy his Wife in her said Capacity of Administratrix be and hereby are Authorized and impowered to make Sale of so much of the Real Estate of the said deceased as that the proceeds thereof shall Amount to the sum of Nineteen pounds thirteen shillings and five pence and the Charges arising by such Sale; and to execute a good deed or deeds for conveying the same agreeable to Law; they Observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators; and giving sufficient caution to the Judge of Probate for the County of Essex to be accountable for their proceedings herein. [*Passed January 14.*]

CHAPTER 298.

RESOLVE ALLOWING 18/9 TO JOANNA HOIT.

Legislative
Records of the
Council, xxii.,
208. Mass.
Archives,
lxxvii., 346.

Mass.
Archives,
lxxvii., 346.
House Jour-
nal, pp. 271, 276.

A PETITION of Joanna Hoit of Shrewsbury Widow of Benjamin Hoit a Soldier in the late Crown point Expedition who died at Lake George; setting forth That her said Husband was made up short in the Muster Roll Seventeen days of the time of his Service; And praying an Allowance.

Read and

Resolved, That there be allowed and paid out of the public Treasury to Artemas Ward Esq^r for the Petitioner's Use eighteen Shillings and nine pence in full for the seventeen days the said Benjamin was made up short in the Muster Roll of the Company he belonged to, on the last Crown-point Expedition. [*Passed January 17.*]

CHAPTER 299.

ORDER DIRECTING THAT A PLAN OF 200 ACRES OF LAND LAID OUT TO DANIEL GRAINGER BE RECORDED.

A PETITION of Daniel Grainger; praying that a plat of 200 Acres of Land between N^o 4 and Pontoosuck, which he has caused to be surveyed and laid out in consequence of a Grant made him on Account of his Sufferings at the Battle of Lake George, may be Accepted & Confirmed.

Read and

Ordered That the within plan be recorded in the Secretarys Office. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
209.

House Jour-
nal, p. 283.
Province
Laws, xv., 632,
chap. 255.

CHAPTER 300.

ORDER IMPOWERING SIMON BLOOD, ADM^R, TO SELL REAL ESTATE.

A PETITION of Simon Blood Administrator of the Estate of Samuel Hopkins late of Billerica in the County of Middlesex deceased setting forth that in April last he obtained leave to make Sale of the deceaseds Real Estate for payment of his Debts; that through the inadvertency of the Scribe who drew his petition, the Estate was called only Six Acres, when in fact it is forty two Acres; but that the Apprized Value was truly set forth in said petition Viz^t £69.1.4 which being barely sufficient to Satisfy the Debts; He prays that he may be enabled to make Sale thereof for the aforesaid purpose.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner in his said Capacity be and he is hereby empowered to make Sale of the whole of the said deceaseds Real Estate with the Restrictions and for the purposes mentioned in the Order of this Court on his former Petition. [*Passed January 19.*¹]

Legislative
Records of the
Council, xxii.,
209.

House Jour-
nal, p. 287.
Province
Laws, xv., 755,
chap. 564.

CHAPTER 301.

RESOLVE ALLOWING £2.16.5 TO JOHN BATHRICK.

A PETITION of John Bathrick of Cambridge, a Soldier in the Expedition to Crown point in the year. 1755. and 1756. praying that he may be allowed to receive half pay during the intermediate space agreeable to the Resolutions of the Court.

Read and

Resolved, That there be allowed and paid out of y^e public Treasury to the Petitioner, the sum of two pounds sixteen Shillings & five pence, in full of the half pay he was entitled to, on his re-
listing into the service on the last Crown-point Expedition. [*Passed January 19.*]

Legislative
Records of the
Council, xxii.,
210. Mass.
Archives,
lxxvii., 390.

Mass.
Archives,
lxxvii., 389.
House Jour-
nal, p. 285.
Province
Laws, xv., 452,
chap. 310.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 18.

CHAPTER 302.

ORDER DIRECTING THE SELECTMEN OF THE TOWN OF HOLLISTON TO
TAKE CARE OF JOSEPH DUGAS AND FAMILY.

Legislative
Records of the
Council, xxii.,
211. Mass.
Archives,
xxiii., 605.

A PETITION of Joseph Dugas one of the late French Inhabitants of Nova Scotia, complaining of the hardships which he and his Family endure at Holliston, where they are placed by the Government, and praying Relief.

Mass.
Archives,
xxiii., 604.
Legislative
Records of the
Council, xxi.,
357. House
Journal,
pp. 283, 287, 288.

Read; And Whereas there is a Committee appointed to consider of some proper Method for easing the Province of the Charge of Supporting the french Inhabitants of Nova Scotia now here who have not yet reported;

Ordered, That the secretary be directed to write to the select Men of the Town of Holliston, to take Care that the said Family of French people under their Care do not suffer in the mean time. [*Passed January 19.*¹

CHAPTER 303.

ORDER ALLOWING £36. 1. 2 TO STEPHEN GUNN.

Legislative
Records of the
Council, xxii.,
213. Mass.
Archives,
xliv., 386.

A PETITION of Stephen Gunn setting forth his trouble & charge in conveying five prisoners from Sheffield to the Goal in Springfield, and with the safe keeping four of them five days at Sheffield; and afterwards reconveying them a Second time to Goal; And praying an Allowance.

Mass.
Archives,
xliv., 385–388.
House Jour-
nal, pp. 281, 287.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that there be and hereby is Allowed to be paid out of y^e Public Treasury to the Petitioner the sum of thirty six pounds one shilling & two pence in full for his service and Expences mentioned. [*Passed January 19.*¹

CHAPTER 304.

ORDER IMPOWERING JOHN GAY, AMOS FULLER AND EBENEZER SKIN-
NER, GUARDIANS, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
210.

House Jour-
nal, pp. 178, 179,
235, 287. Prov-
ince Laws, ii.,
151, chap. 10.

A PETITION of Joanna Mills Widow of Jonathan Mills late of Needham in the County of Suffolk deceased, and of John Gay and others Guardians of the Children of the said deceased, setting forth that the said deceaseds Real Estate consists only of Forty six Acres and three quarters and six Rods of Land in said Town of Needham, which is very unprofitable to the Heirs, and incapable of it self of making a Settlement, and praying liberty to sell the same for the benefit of the Children, the Widow only to have the benefit of the Interest of one third part of the Money arising by said Sale.

Read and

Ordered That the prayer of this petition be so far granted as that the said John Gay, Amos Fuller and Ebenezer Skinner be and they

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 20.

hereby are impowered to Sell the Lands mentioned to such person or persons as shall appear willing to give most for the same; they giving publick timely Notice of said Sale; And in their Capacity of Guardians to give a good and sufficient deed or deeds of Conveyance thereof; they giving good Security to the Judge of Probate for the County of Suffolk to improve and pay the produce of such Sale agreeable to the prayer of the Petition. [*Passed January 20.*]

CHAPTER 305.

RESOLVE ALLOWING £100 TO HARRISON GRAY, ESQ^r, PROVINCE TREASURER.

A MEMORIAL of Harrison Gray Esq^r Treasurer and Receiver General of the province; setting forth his extraordinary Services, and in some instances, wherein he apprehends the Service was not necessarily connected with his Office whereby he has been obliged likewise to hire a Clerk extraordinary; And praying an Allowance.

Read &

Resolved, That there be allowed and paid out of the publick Treasury to Harrison Gray Esq^r Treasurer & receiver General of the Province the sum of One Hundred Pounds in Consideration of his Extraordinary Services to this Time. [*Passed January 20.*]

Legislative
Records of the
Council, xxii.,
212. Mass.
Archives, ciii.,
608.

Mass.
Archives, ciii.,
606. House
Journal, p. 289.

CHAPTER 306.

RESOLVE ALLOWING £4 TO MARGARET FORBUSH.

A PETITION of James Parker in behalf of Margaret Forbush Widow of Charles Forbush deceased; setting forth that the said Charles was inlisted as a Soldier in the late Crown point Expedition about the 1 July, 1756. that he proceeded as far as Fort Edward where he was taken Sick, and died on the 9th of September, that as he did not join his Company, he is not made up in any Roll; And praying Relief.

Read, And

Resolved, That there be allowed & paid out of the public Treasury to John Osgood Esq^r for the Use of the within mentioned Margaret Forbush the sum of four pounds in full for the services of Her dec^d Husband, on the last Crownpoint Expedition as Mentioned. [*Passed January 20.*]

Legislative
Records of the
Council, xxii.,
213. Mass.
Archives,
lxxvii., 453.

Mass.
Archives,
lxxvii., 453.
House Jour-
nal, pp. 282, 288.

CHAPTER 307.

ORDER ALLOWING TO EZEKIEL KELLOGG THE SUM DUE HIS SON.

Ordered, That there be allowed and paid out of the public Treasury to Ezekiel Kellogg or his Order, the Sum due to his Son Cotton Kellogg dec^d for his Subsistence on his return home from the Army raised for the Expedition against Crown-point in the Year 1755, According as it is carried out in the Muster-Roll of the Company he belonged to. [*Passed January 20.*]

Legislative
Records of the
Council, xxii.,
214. Mass.
Archives,
lxxvi., 732.

Mass.
Archives,
lxxvi., 731.
House Jour-
nal, p. 172.

CHAPTER 308.

ORDER IMPOWERING MARY GREENLEAFE, ADM^x, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
214.

House Jour-
nal, pp. 190, 191,
289, 293. Prov-
ince Laws, ii.,
151, chap. 10.

A PETITION of Mary Greenleaf of Newbury in the County of Essex Widow and Administratrix of Edmund Greenleaf deceased Setting forth that the said deceaseds Estate is insolvent, that his Real Estate consisting of part of an House, a Butchers Shop and about Seven and half rods of Land situate in Newbury was apprized at Eighty six pounds; That through the neglect of her Agent Application was not made to the Superiour Court at their last Session as she intended And praying that She may obtain Liberty to sell the same for payment of the Debts of the deceased.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in her said capacity of Administratrix be and she hereby is impowered to Sell the deceaseds Real Estate mentioned for the most the same will fetch; She posting up seasonable Notifications of the time and place of Sale as the Law directs; and to execute a good and sufficient deed or deeds of Conveyance thereof in the Law; She giving sufficient Security to the Judge of probate for the County of Essex to be Accountable for the proceeds of said Sale according to Law. [*Passed January 21.*]

CHAPTER 309.

RESOLVE ALLOWING £200 TO THOMAS CLARKE, DEPUTY SECRETARY.

Legislative
Records of the
Council, xxii.,
214. Mass.
Archives, i., 75.

A MEMORIAL of Thomas Clarke setting forth his extraordinary Service as an Assistant in the Secretary's Office; And praying an Allowance accordingly.

Read and

Mass.
Archives, i.,
74. House
Journal,
pp. 130, 198, 292.

Resolved, That there be allowed and paid out of the Public Treasury to the Memorialist The sum of two Hundred Pounds, in Consideration of his Services as Deputy Secretary for two Years ending the 30th of January Current. [*Passed January 21.*]

CHAPTER 310.

RESOLVE ALLOWING £7. 4 TO JOSHUA BOARDMAN.

Legislative
Records of the
Council, xxii.,
216. Mass.
Archives,
lxxvii., 298.

A PETITION of Joshua Boardman of Sheffield, setting forth That on the 22^d of April 1756. he was impressed into his Majesty's service for the Crown point Expedition, that he continued in the service till sometime in November. But that he was made up in Capt. Davis's Roll four Months and an half short of the time he served; And praying an Allowance.

Read, and

Mass.
Archives,
lxxvii., 298;
cxxv., 42.
House Jour-
nal, pp. 251, 260,
290, 291.

Resolved, That there be allowed and paid out of the Public Treas-

ury to Cap^t Ithamar Hubbell for the use of the Petitioner, the sum of seven pounds four Shillings in full for the four months and an half Wages Omitted in the Muster Roll of the Company he belonged to, on the last Crown point Expedition. [*Passed* January 21.*]

CHAPTER 311.

RESOLVE DECLARING THE ALLOWANCE FOR THE SUBSISTENCE OF ABSENT SOLDIERS TO BE THE PROPERTY OF THE GOVERNMENT.

Resolved That whenever any Soldier in the pay of this Government for the defence and protection of the Frontiers shall be absent from Duty on Furlough, the Subsistence of such Soldier shall be deemed and hereby is declared to be the property of the Government. [*Passed January 21.*]

Legislative
Records of the
Council, xxii.,
217.

House Jour-
nal, p. 286.

CHAPTER 312.

RESOLVE ALLOWING TWO MONTHS ADDITIONAL WAGES TO FORCES UNDER COL. JOSEPH FRYE.

A MEMORIAL of Joseph Frye Esq^r Colonel of the Massachusetts Regiment under the Command of his Excellency the Earl of Loudoun in behalf of himself, and the Officers and Soldiers of his said Regiment, setting forth; That by a Vote of this Court on the first day of December last, those Officers and Soldiers of his said Regiment, who were included in the Capitulation at Lake George on the 9th day of August last, and who escaped going to Canada are allowed pay no longer from that day than just time to return home after the rate of fifteen Miles to a days March; That they were detained by the Enemy sometime after the Capitulation many of them stript and drove naked into the Woods, and that the dispersion of the Troops unavoidably puts the Officers to great trouble and difficulty in making up the Rolls. That both Officers and Soldiers have performed their duty faithfully and exerted themselves with the utmost Bravery, till by the vast Superiority of the Enemy they at length submitted to a Capitulation and obtained honourable terms, but which were afterwards perfidiously violated to the great Aggravations of their Sufferings and distresses; And praying Relief.

Read and

Resolved, That in Consideration of the good Behaviour of the Memorialist and those under his Command in the Defence of Fort William-Henry, and of their sufferings after the Capitulation, there be allowed and paid out of the public Treasury Two Months Wages to the said Officers and private Men, over and above the Allowance already made them. [*Passed January 21.*]

Legislative
Records of the
Council, xxii.,
217. Mass.
Archives,
lxxvii., 446.

Mass.
Archives,
lxxvii., 447.
House Jour-
nal, pp. 286, 293.
Ante, p. 89,
chap. 199.

CHAPTER 313.

VOTE INCREASING THE PAY OF SOLDIERS ABOUT TO BE DISCHARGED AT CUSHNOC AND FOR A NEW ENLISTMENT OF MEN TO SERVE THERE.

Legislative
Records of the
Council, xxii.,
222. Mass.
Archives,
lxxvii., 231.

Mass.
Archives,
lxxvii., 228.
House Jour-
nal, pp. 142, 295,
296. Province
Laws, xv., 707,
chap. 448.
Ante, p. 28,
chap. 52.

A PETITION of William Brooks and others Soldiers, posted at the Storehouse at Cushnoc; setting forth the extraordinary duty they are obliged to perform, while their Wages are reduced to the common Establishment for other Garrison Soldiers; And further setting forth that the time for which they were inlisted is expired; And praying Relief,

Read and

Voted, That the Prayer of this Petition be so far granted, as That y^e Chief officer at Said store House, be, and hereby is, allowed to make up his pay-Roll agreeable to the former Establishment mentioned: And That His Excellency the Cap^t General be desired to give Orders for inlisting such a number of Effective Men as shall be wanting to supply the Places of the Petitioners: and when that Number is Completed, to cause the Petitioners to be dismissed, from the service. [*Passed January 21.*¹

CHAPTER 314.

ORDER ALLOWING £4 TO JONATHAN HILL.

Legislative
Records of the
Council, xxii.,
185. Mass.
Archives,
lxxvii., 251.

House Jour-
nal, pp. 223, 252.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Jonathan Hill of Billerica; setting forth, That in the year. 1756. his Servant Leonard Willson went a Soldier in the Crown point Expedition and on his return home lost his Gun which was stolen from him with his blanket and other things at Weston when he was a sleep in the Night and that there has been Four pounds detained from his Wages on Account of his Guns not being returned; And praying Relief.

Read and

Ordered, That the Prayer of this Petition be granted; And That y^e Treasurer be directed to pay the Petitioner the four pounds detained out of the Wages due to him on y^e last Crown-point Expedition for not returning his Arms. [*Passed January 23.*²

CHAPTER 315.

RESOLVE ALLOWING £3. 6 AND A FURTHER SUM OF 40/ TO HANNAH JOHNSON.

Legislative
Records of the
Council, xxii.,
219. Mass.
Archives,
lxxvii., 301.

A PETITION of Hannah Johnson, setting forth That her late Husband Andrew Johnson of Andover deceased was a Soldier in the late Crown point Expedition and on his return home was taken Sick and obliged to Sell his Gun and Blanket for less than One

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 24.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 6.

half their Worth to support himself on the Road; and was at considerable Expence besides in getting home where he lay languishing for Nine Weeks, and then died, And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury To John Osgood Esq^r for the Petitioner's use the sum of three pounds Six shillings, in Consideration of the Expences in her late Husbands sickness mentioned, And That the Treasurer be directed to pay him, for her Use the further Sum of Forty shillings being part of the four pounds stopped out of the Wages due to her said Husband on the last Crown-point Expedition on Acc^o of his Arms not being returned. [*Passed January 23.*]

Mass.
Archives,
lxxvii., 300.
House Journal, p. 234.
Province
Laws, xv., 695,
chap. 416.
Ante, p. 89,
chap. 199.

CHAPTER 316.

RESOLVE ALLOWING 12/ AND A FURTHER SUM OF 45/ TO EZEKIEL CHEEVER.

A PETITION of Ezekiel Cheever; setting forth that he was a Soldier in the Crown point Expedition in 1755. and carried his own Gun, for which he has had no Allowance, That he went a Soldier likewise in the Expedition in 1756. and returning home Sick was obliged to Sell the Gun he received out of the publick Store to Support himself, which Gun he could Sell for no more than three Dollars although there has since been Four pounds stopped from his Wages on account of said Guns not being returned; And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner twelve shillings for the use of his Gun which he carried into the service in the year 1755, Also That the Treasurer be and hereby is directed to pay him forty five Shillings part of the four pounds stopped out of the Wages due to him on the last Crown point Expedition, on Account of his Arms not being returned. [*Passed January 23.*]

Legislative
Records of the
Council, xxii.,
219. Mass.
Archives,
lxxvii., 352.

House Journal, p. 285.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 317.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY ACCO^{ts} OF DIVERS TAVERNERS FOR BILLETING SOLDIERS.

WHEREAS sundry Taverners and others have exhibited their Accounts for billeting the Soldiers raised by the Government for his Majesty's Service under the Command of his Excellency the Earl of Loudoun on their March towards Albany the last Spring; And inasmuch as the Captains of the several Companies received the Money allowed for their billeting on their said March Therefore

Voted

That the Treasurer be and hereby is directed to pay the said Taverners and others who billeted the said Soldiers on their said March the Amount of their several Accounts they producing a Certificate from the Captains or Chief Officers of the Companies to which such Soldiers respectively belonged of the sums due for such billeting;

Legislative
Records of the
Council, xxii.,
220.

Mass.
Archives,
lxxvii., 465.
House Journal, p. 291.
Province
Laws, xv., 615,
chap. 214.

And that he be further directed to stop the sums he shall pay the said Taverners and others out of the Wages of those Captains to whose Companies the said Soldiers belonged, when the Muster Rolls shall be made up. [*Passed January 24.*]

CHAPTER 318.

VOTE DIRECTING THE PROVINCE TREASURER TO REMIT M^r AGENT BOLLAN A BILL OF EXCHANGE FOR £1,029. 10. 4.

Legislative
Records of the
Council, xxii.,
220. Mass.
Archives, xxi.,
686.

Mass.
Archives,
xxi., 685.
House Jour-
nal, pp. 12, 115,
116, 124, 125, 209,
210, 294, 295.
Ante, p. 96,
chap. 215.

WHEREAS an Order pass'd this Court in December last for the Payment of the Sum of Nine hundred & thirty seven Pounds seven Shillings & five pence, farthing, Sterling to William Bollan Esq^r Agent for this Province, at the Court of Great Britain, in discharge of his Acco^t of Expences to September 1756; which Sum has not been as yet remitted to him; and there being in the hands of M^r Treasurer Gray a Bill of Exchange belonging to this Province for the Sum of One Thousand & twenty nine Pounds ten Shillings & fourpence half-penny Sterling, the Draught of Christopher Kilby Esq^r on Mess^{rs} Will^m & Richard Baker in London, dated New York 16th May 1757, payable to Harrison Gray Esq^r Treasurer or Order,

Voted, that the Treasurer be directed to remit to M^r Agent Bollan the said Bill of Exchange; the ballance thereof being Ninety two Pounds two Shillings & eleven pence farthing Sterling, he the said Agent to be accountable to the Province for. [*Passed January 24.*]

CHAPTER 319.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO NATH^l DAVIDSON.

Legislative
Records of the
Council, xxii.,
220. Mass.
Archives, lxxvii.,
299.

House Jour-
nal, p. 297.
Province
Laws, xv., 695,
chap. 416.

A PETITION of Nathaniel Davidson of Billerica, setting forth, That his Servant Samuel Smith Howard was a Soldier in the Crown point Expedition in 1756. under Capt. Samuel Thacher, That his said Servant on his return home being Sick and unable to carry his Gun, lodged it in the Store at Green Bush under M^r Commissary Ives's Care; And praying that he may receive the Four pounds which has been stopped from his said Servants Wages on Account of his Guns not being returned.

Read and

Ordered, That the Treasurer be directed to pay the Petitioner the four pounds stopped of the Wages of his s^d Servant Sam^l Smith Howard a Soldier in the last Crown-Point Expedition, on Account of his not returning his Arms. [*Passed January 24.*]

CHAPTER 320.

VOTE ALLOWING PAY AND SUBSISTENCE FOR EIGHT ADDITIONAL MEN
TO THE GARRISON AT FORT HALIFAX.

In the House of Representatives,

Voted, That there be allowed pay and Subsistence for eight Men in Addition to those already Allowed for the Garrison at Fort-Halifax by the Establishment passed this House the 19th ¹ Instant.

In Council, read and Concurred. [*Passed January 24.*]

Legislative
Records of the
Council, xxii.,
221. Mass.
Archives,
lxxvii., 461.

House Jour-
nal, p. 299.
Post, 143,
chap. 330.

CHAPTER 321.

VOTE INCREASING THE PAY OF SOLDIERS ABOUT TO BE DISCHARGED
AT FORT HALIFAX, AND FOR A NEW ENLISTMENT OF MEN TO SERVE
THERE.

A PETITION of Richard George and others, Soldiers at Fort Halifax, setting forth the extraordinary duty they are obliged to perform at that Fort, when at the same time they do not enjoy the priviledges which the Soldiers at the other Garrisons do enjoy, as their Situation will not permit them to make those little Advantages by fishing or otherwise which other Soldiers can do; but that their Wages are reduced to the same Establishment with the other Garrisons; And praying Relief.

Read and

Voted That the Prayer of this Memorial be so far granted, as That the Chief Commanding Officer at Said Fort be and hereby is Allowed to make up his Pay-Roll agreeable to the former Establishment mentioned; And That his Excellency the Cap^t General be desired to give Orders for inlisting such a Number of able Bodied Effective Men as shall be wanting to supply the places of the Petitioners; And when that Number shall be Completed, to cause the Petitioners to be dismissed from the service. [*Passed January 24.*]

Legislative
Records of the
Council, xxii.,
222. Mass.
Archives,
lxxvii., 286.

House Jour-
nal, pp. 142, 296.
Province
Laws, xv., 707,
chap. 448.

CHAPTER 322.

RESOLVE ALLOWING £25 TO AMOS PUTNAM.

A PETITION of Amos Putnam of Danvers in the County of Essex; setting forth, that he was employed as Surgeon to a Regiment in the Expedition against Crown point in the year. 1755. and after the Army broke up was prevailed on by the Committee of the General Court appointed to reside at or near Albany to tarry at Fort William Henry, who promised him pay as long as he should continue there, but notwithstanding this, he was borne in the Muster Roll considerably short of the time he was employed in said Service. And praying that he may be allowed Wages according to Agreement for his hazardous and very fatiguing Services during that time.

Read and

Resolved, that the Prayer of this Petition be so far granted as

Legislative
Records of the
Council, xxii.,
223. Mass.
Archives,
lxxvii., 268.

Mass.
Archives,
lxxvii., 268.
House Jour-
nal, pp. 217, 295.
Province
Laws, xv., 451,
chap. 307.

¹ This vote passed the Council and was signed by the Governor 25 Jany. 1758.

That there be allowed and paid out of the public Treasury to the Petitioner the sum of twenty five pounds, being in full for two Months and an half Wages from the 14th January 1756 to the 31st March following. [*Passed January 24.*]

CHAPTER 323.

VOTE EMBODYING INSTRUCTIONS FOR THE COMMISSIONERS APPOINTED TO CONFER WITH THE OTHER NEW ENGLAND GOVERNMENTS FOR CONCERTING MEASURES FOR MUTUAL DEFENCE.

Legislative
Records of the
Council, xxii.,
223. Mass.
Archives,
lxxvii., 466.

Legislative
Records of the
Council, xxii.,
213. House
Journal,
pp. 289, 305.

THE COMMITTEE appointed the 20. Instant to prepare Instructions To the Commissioners appointed to meet Commissioners from the other Governments, reported a draft of such Instructions, which is as follows, Viz^t

1. Considering the great Danger the said Colonies are exposed to from the growing Power of the French at Canada; especially Since they have taken from us, during the Course of the unhappy War we are engaged in, Several important Fortresses which kept their Troops employ'd at a distance from us: and being now deprived of them, it becomes the more necessary to write our Counsels & Arms for our mutual Protection and Defence: Wherefore, you are directed to concert with said Commissioners proper Measures for that End, and to lay a Plan for the Union of S^d Colonies, which you Shall judge most conducive thereto; that in Case any of them are attacked either by Sea, or on the Side of Canada, the Forces of all of them may act in conjunction, or in such manner as shall best serve to annoy and repulse the Enemy.

2. To render more effectual such a Plan of defence, you are to represent to them the Expediency of said Colonies being provided with a Suitable Train of Artillery, with the necessary Ammunition & Stores; and settle with them the number and quantity of each; and the quota that each Colony shall furnish: also the expediency of providing magazines of such Ammunition & Stores in Such places as will be most suitable for supplying s^d Artillery in case we should be attacked: and likewise Magazines of Provision.

3. You are to represent to them the Expediency of each Colony's being provided with an Armed Vessel for the Protection of their Trade and Sea Coasts; and consult with them about the cruize, and time of cruize of each Colony's Vessel, that so every part of the Sea Line of said Colonies may be Suitably guarded.

4. Represent to them the Expediency of building a Fort at Penobscot, and our readiness to join with them in measures for that Purpose, notwithstanding the great charge we are at in maintaining the several Forts we already have Seaward. Also the building a Fort upon Connecticut River or in the neighbourhood thereof within the Province of New Hampshire in Order to encourage the Settlement of that part of the Country: And recommend it to the New Hampshire Commissioners for that Government to make Grants there upon a military tenure: Viz; That the Grantees should hold their Lands on Condition of their employing Scouts in a time of War for the defence of the Country; and that Such Lands should not be Subject to any Taxes whatever.

5. You are to propose to S^d Commissioners that s^d Colonies should jointly Send Scouting Parties into the Enemy's Territories to distress them, in like manner as they have us.

6. You are to enquire in Conjunction with s^d Commissioners whether there be any defects in the Regulation of the militia of s^d Colonies; and if so, to point them out that they may be remedied, in order that the militia of each Colony may be a real defence to the Whole.

7. You are to propose to s^d Commissioners the sending out of Parties at the joint charge of s^d Colonies for gaining a more thorô knowledge of the Country between us and Canada; by way of Kennebeck River and N^o 4; and any other way you judge proper.

8. You are directed to enquire of them what measures their respective Governments are likely to come into for promoting his Majesty's Service the present Year: that the measures of all the said Governments may be one and the Same, or as near alike as may be.

9. You are directed to concert proper measures with said Commissioners for the redemption of the Captives of the several Governments, that are at Canada.

10. In settling the quota of any common charge, you are to represent to s^d Commissioners the great Expence this Government has been at, and is still at in defending it's extensive Frontier; guarding it's Sea Coasts &c in order to lessen the Quota that otherwise would belong to this Government to pay.

11. In all Matters relative to the Crown's Right & Prerogative; and wherein the Comãd of the Captain General is concerned, you are to consult his Excellency the Governor; and also in all matters that are the Subject of these Instructions.

12. You are to make report to this Court of your Doings in the matters mentioned in these Instructions, as soon as may be, for their Consideration and final Determination. [*Passed January 24.*]

CHAPTER 324.

VOTE ALLOWING MANAGERS OF GERMAN TOWN LOTTERY THE USE OF REPRESENTATIVES ROOM.

Voted, That the Managers of the German town Lottery (so called) be and hereby are allowed to make use of the representatives Room in the recess of the Court to draw the several Classes of said Lottery, as also the use of the Province Boxes, on Condition of their making good any Damage that shall ensue in Consequence thereof to the said room or Boxes. [*Passed January 24.*]

Legislative
Records of the
Council, xxii.,
226. Mass.
Archives,
lxxxviii., 57.

House Jour-
nal, p. 302.
Province
Laws, iii., 1053,
chap. 41.

CHAPTER 325.

VOTE THAT NO OFFICER OF MILITIA THAT MARCHED TO RELIEF OF FORT WILLIAM HENRY BE ALLOWED TO MAKE UP A PAY ROLL FOR LESS THAN A MARCH OF FIFTEEN MILES.

Voted, That no officer of the Militia be allowed to make up a Pay-Roll for Any Men under his Comãd that marched on the late Alarm for the relief of Fort William Henry unless they marched fifteen Miles from their respective homes: And That no Roll be accepted for payment untill first sworn to by such officer as shall return the same. [*Passed January 24.*]

Legislative
Records of the
Council, xxii.,
227. Mass.
Archives,
lxxvii., 462.

House Journal,
p. 85 (August,
1756-7); p. 300.

CHAPTER 326.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
227.

House Jour-
nal, p. 294.

Resolved That there be allowed and paid out of the publick Treasury to M^r Richard Bailey for the Use of Daniel Talbot Twelve pounds ten shillings and eight pence; To William Collins Esq^r for the use of John Fearn Fifty eight shillings; to M^r Thomas Morey for the use of Nathan Williams Fifty eight shillings; To M^r Henry Gardner for the use of Jonathan Peirce, Fifty eight shillings and eight pence; for the Use of peter Graves Fifty four shillings and eight pence; and for the Use of John Davison ten shillings; to John Osgood Esq^r for the use of Enoch Foot, Four pounds eight shillings and eleven pence To Daniel Epes jun^r Esq^r for the Use of Hannah Shaw Seven pounds ten shillings; To M^r David Wilder for the use of Jonathan Houghton Thirty four shillings; To Elisha Jones Esq^r for the Use of Daniel Hagar Four pounds Sixteen shillings; To Thomas Cheney Esq^r for the use of Josiah Burt Three pounds; And to Artimas Ward Esq^r for the use of Ebenezer Liscom ten shillings; in consideration of the Expence, Sufferings and Services in their respective Petitions mentioned. [*Passed January 24.*]

CHAPTER 327.

ORDER DIRECTING THE PROVINCE TREASURER TO DELIVER TO GOV. LAWRENCE THE ACCOUNTS OF COST OF SUPPORTING FRENCH NEUTRALS.

Legislative
Records of the
Council, xxii.,
227. Mass.
Archives,
xxiii., 610.

House Jour-
nal, p. 300.

Ordered that the Treasurer deliver to the Agents of His Excellency Governor Lawrence in this Province the Accounts of the Charge of supporting Jaques Morris & others of His Company which came hither from the Southern Colonies, which Accounts are now before the Court; and the Treasurer is to desire payment thereof, or otherwise to desire such Agents to transmit such Accounts to Governor Lawrence for his Order thereon agreeable to the Assurances given to the Province. [*Passed January 24.*]

CHAPTER 328.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxii.,
227.

House Jour-
nal, p. 305.

Ordered that all Matters that had day at the present Sitting of the Court, and have not already been, Or shall not be passed on before the Court rises be referred and have the same day at their next Sitting. [*Passed January 24.*]

CHAPTER 329.

RESOLVE ALLOWING £2. 16. 8 TO BENJ^A KEITH.

A PETITION of Benjamin Keith; praying for the half pay of his Servant Ebenezer Prat on his reinlisting into the Service for the last Crown point Expedition.

Read and

Resolved, That there be allowed and paid out of the public Treasury to Nath^l Sumner Esq^r for the use of the Pet^r the sum of two pounds Sixteen shillings and eight pence, being the half pay his s^d servant Eben^r Pratt was entitled to on his reinlisting into the service on the last Crown-point Expedition. [*Passed January 24.*¹

Legislative
Records of the
Council, xxii.,
229. Mass.
Archives,
lxxvii., 142.

Mass.
Archives,
lxxvii., 141.
House Jour-
nal, p. 302.

CHAPTER 330.

VOTE ESTABLISHING PAY AND SUBSISTENCE OF SOLDIERS ON THE FRONTIERS.

Voted that the following Establishment be made for the protection and Defence of the Frontiers of this Province Viz^t

Legislative
Records of the
Council, xxii.,
215.

On the Eastern Frontiers.

That there be pay and Subsistence allowed at Fort Halifax to one Captain, one Lieutenant, three Sergeants, four Corporals one Armourer, one Drummer, a Chaplain and thirty privates & no more.

At the Storehouse at Cushnoc to one Lieutenant and fifteen privates and no more.

At the Truckhouse at Saco to fifteen Men and no more, including one Lieutenant, one Sergeant and one Corporal.

At Fort Brunswick to five Men and no more including one Sergeant.

At Fort Frederick at pemaquid to twelve Men and no more including one Lieutenant, one Sergeant and one Corporal.

At the Truck house at Saint Georges to thirty five Men and no more, including a Captain, one Lieutenant, one Sergeant, two Corporals one Drummer and one Armourer.

Mass.
Archives,
lxxvii., 469–471.
House Jour-
nal, p. 285, 286.
Province
Laws, xv., 707,
chap. 448.
Ante, p. 28,
chap. 52.

On the Western Frontiers.

That there be pay and Subsistence allowed at Fort Massachusetts to One Lieutenant, One Sergeant, One Corporal, One Drummer and Twenty privates and no more; said Men to be employed in Scouting as his Excellency the Captain General shall order and direct.

At Charlemont to Sixteen privates and no more, eight of whom at Hawks's Garrison, and eight at Taylors.

At Colerain Twelve privates and no more.

At Fall Town to twelve privates and no more, Six of whom at Burks Garrison, and the other Six at Sheldons; All the said Men at Charlemont, Colerain and Fall Town to be employed in constant Scouting in such manner as the Captain General shall order and

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 25.

direct, And that there be allowed them one Lieutenant, three Sergeants & one Corporal.

At the Block¹ at West Hoosuck to ten men of the Inhabitants; if so many Settlers there are, for the defence of that place with one Sergeant to command them; and if there are more than ten Settlers they to do duty alternately ten at a time.

At Pontoosuck to Six Men at Williams's Garrison, and to Six at Gutteridges of the Inhabitants if so many there be, and if there is a greater number of Inhabitants there, that number to do duty alternately.

All the aforesaid Officers and Men to receive the same pay and Subsistence as by the last Establishment for those places respectively except that five shillings and four pence ~~per~~ Week only shall be allowed for the Subsistence of those at Fort Massachusetts to continue to the 15th day of April next and no longer. [*Passed January 25.*²]

CHAPTER 331.

RESOLVE ALLOWING £9. 12 AND A FURTHER SUM OF £6 ANNUALLY TO DAVID THOMPSON.

Legislative
Records of the
Council, xxii.,
228. Mass.
Archives,
lxxvii., 325.

Mass.
Archives,
lxxvii., 326.
House Jour-
nal, pp. 304, 305.

A PETITION of David Thompson of Stoughton; setting forth That he was an enlisted Soldier in the pay of this province and lost his Arm at the Seige of Fort William Henry, That he was at the Expençe of a Conveyance home and of a Doctor after his Return; And praying an Allowance on Account of his Sufferings and Expences; And of his being thus disabled to provide for his own Support.

Read and

Resolved That there be allowed and paid out of the public Treasury to the Petitioner the sum of nine pounds twelve shillings in Consideration of his Sufferings and Expences mentioned, And That there be further allowed & paid him a Pension of Six pounds per Annum, yearly, during the pleasure of this Court. [*Passed January 25.*]

CHAPTER 332.

RESOLVE ALLOWING £8. 5. 6 TO JOHN WRIGHT.

Legislative
Records of the
Council, xxii.,
228.

Executive
Records of the
Council, xiii.,
335. House
Journal,
pp. 299, 303.

A PETITION of John Wright; praying an Allowance for three Hundred and thirty one Meals of Victuals supplied the Soldiers of this province who were in the Capitulation of Fort William Henry after their return from Lake George.

Read and

Resolved That the Prayer of this Petition be so far granted, as that there be allowed and paid out of the publick Treasury to the petitioner the sum of Eight pounds five shillings and six pence in full for the Subsistence he afforded the Soldiers on their return from the last Campaign as mentioned in the Schedule annexed. [*Passed January 25.*]

¹ The House Journal, p. 286, reads, "Block-House."

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 21, but a note below the vote states that the establishment was not completed till the 25th instant.

CHAPTER 333.

VOTE ALLOWING A BOUNTY TO SOLDIERS AT FORT HALIFAX AND THE
STORE HOUSE AT CUSHNOC.

Legislative
Records of the
Council, xxii.,
229. Mass.
Archives,
lxxvii., 472.

Voted That a Bounty of two Dollars be allowed to each of the soldiers at Fort Halifax & the Store house at Cushnoc whose time of Inlistment is now expired on their reinlisting for the Term of One year longer in said Service, And for whom provision is made by the last Establishment for the Frontiers. [*Passed January 25.*]

House Jour-
nal, p. 305.
Ante, p. 143,
chap. 330.

CHAPTER 334.

RESOLVE ALLOWING £13. 6. 8 AND A FURTHER SUM OF 5/2 TO THOMAS
GOTT.

A MEMORIAL of Thomas¹ Gott: setting forth that in the Crown point Expedition in 1755. he Acted as Surgeons Mate to Doctor Brigham in Col^o Browns Regiment and afterwards in Col^o Bagleys Regiment, & was made up two Months and an half short in the Muster Roll; And praying an Allowance, as also for Administring to Solomon Bathrick a Sick Soldier.

Legislative
Records of the
Council, xxii.,
215. Mass.
Archives,
lxxvii., 269.

Read and

Resolved That there be allowed and paid out of the public Treasury to Cap^t Jabez Upham for the use of the Petitioner the sum of thirteen pounds six Shillings and eight pence, in full of the two months and an half Wages due to him after Col^o Bagley's Roll was made up as within mentioned, with the further sum of five Shillings and two pence in discharge of his Acc^o exhibited. [*Passed January 28.*²]

Mass.
Archives,
lxxvii., 269.
House Jour-
nal, pp. 196, 237,
240.

¹ The House Journal, pp. 196, 237, 240, reads; *Benjamin Gott*.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 21.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SECOND DAY OF MARCH, A.D. 1758.

CHAPTER 335.

ORDER IMPOWERING LYDIA HARVEY, ADM^x, TO SELL LAND AND MAK-
ING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
240. Mass.
Archives,
lxxvii., 477.

House Jour-
nal, p. 312.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Lydia Harvey Administratrix of the Estate of her late Husband Ephraim Harvey deceased, setting forth, That the deceaseds personal Estate is insufficient to pay his just Debts, that there will remain more than Twenty pounds Unsatisfied; And praying She may be empowered to make Sale of about eighteen Acres of unimproved Land lying in Taunton, which her said Husband bought of one Jacob Babbit, that she may be thereby enabled to discharge the said Debts.

Read and

Ordered, That the Prayer of this Petition be granted; And that the Petitioner be & she hereby is empowered in her said Capacity of Admin^x to make Sale of the Land mentioned for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds of the same to such Person or Persons who shall appear to give most for the same, she Observing the Directions of the Law respecting the Sale of real Estates by Exec^r & Admin^{rs} and giving sufficient Caution to the Judge of Probate &c for the County of Bristol, that the over plus arising by said Sale (if any be) after paying the deceased's Just Debts shall be distributed agreeable to Law. [*Passed March 3.*]

CHAPTER 336.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxii.,
240.

House Jour-
nal, pp. 313, 314.
Province
Laws, iii., 64,
chap. 32.

WHEREAS the Court of General Sessions of the peace and Inferiour Court of Common pleas are by Law appointed to be held at Plymouth for the County of Plymouth on the first Tuesday of March current, and divers of the Justices of said Courts and divers other persons who are concerned in Business there are Members of this Court, and the very important Affairs of the province now depending require their Attendance.

Wherefore

Ordered That the said Court of General Sessions of the peace and Inferiour Court of Common pleas which by Law are to be holden at Plymouth aforesaid, be and hereby are Adjourned to the first Tues-

day of April next: To be held at the Court house in said Town of Plymouth at ten of the clock in the Forenoon of said day. And all pleas, Writs Actions, Suits and Complaints, processes, precepts, Recognizances and other thing and things whatsoever returnable and Having day or days in the said Courts, shall stand abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever, as if such Courts had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed March 3.*]

CHAPTER 337.

RESOLVE ALLOWING 36/ TO JOHN SAVAGE.

A PETITION of John Savage of Concord, setting forth, That being a Soldier in the late Crown point Expedition he was taken Sick on the 23^d day of August last, and so continued for Six Weeks or upwards, and was at the expence of a Doctor and Medicines during his Sickness; And praying an Allowance.

Read and

Resolved, That there be allowed and paid out of the Public Treasury to the Petitioner thirty six Shillings in Consideration of his Expences in his Sickness whilst in the service on the last Crown point Expedition as Mentioned. [*Passed March 7.*]

Legislative
Records of the
Council, xxii.,
242. Mass.
Archives,
lxxvii., 338.

Mass.
Archives,
lxxvii., 338.
House Jour-
nal, p. 314.

CHAPTER 338.

RESOLVE ACCEPTING REPORT OF COM^{TEE} APPOINTED TO BURN GOVERN^T SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £25,607. 19. 8.

THE COMMITTEE appointed to receive of the province Treasurer the Government Securities redeemed by him, and to see the same burnt made the following report

Boston February. 17th. 1758.

Received of M^r Treasurer Gray a Government Security for Forty two pounds payable the 1st Dec^r 1756 which with the Interest of Five pounds one shilling and four pence makes Forty seven pounds one shilling and four pence; Also Government Securities payable 10 May. 1756. Amounting to One hundred and Fifty pounds six shillings and eight pence which with the Interest of Twenty pounds fourteen shillings amount to One hundred Seventy one pounds and eight pence; Also Government Securities that were redeemable the 1 January. 1757. Amounting to One thousand nine hundred and eighty pounds six shillings and six pence which with the Interest of Two hundred and twenty nine pounds two shillings And eleven pence makes the sum of Two thousand two hundred and nine pounds nine shillings and five pence; Also Government Securities that became due the 2^d June. 1757. Amounting to Three hundred thirty two pounds seven shillings & nine pence, which with the Interest of Twenty six pounds ten shillings and one penny, Amount to Three hundred fifty eight pounds seventeen shillings and ten pence; Also

Legislative
Records of the
Council, xxii.,
242. Mass.
Archives, ciii.,
619.

Mass.
Archives, ciii.,
618. House
Journal, p. 318.
Ante, p. 37,
chap. 76.

Government Securities that were due the 1 June. 1757. Amounting to Four thousand four hundred forty six pounds fourteen shillings and nine pence; Also Government Securities payable the 10 June. 1757. Amounting to Fourteen thousand two hundred forty five pounds fifteen shillings and two pence which with the Interest of Twelve hundred eighty eight pounds twelve shillings and nine pence Amount to Fifteen thousand five hundred thirty four pounds seven shillings and eleven pence; Also Government Securities that were payable the 30 June. 1757. Amounting to two thousand six hundred forty three pounds eight shillings and five pence which with the Interest of One hundred and Ninety six pounds Nineteen shillings and four pence make Two thousand eight hundred forty pounds seven shillings and nine pence; All which Securities with the Interest thereon Amount to Twenty five thousand six hundred and seven pounds nineteen shillings and eight pence we have seen burnt and consumed to ashes.

J. OSBORNE *p* Order.

Read and

Resolved That this Report be Accepted; And that The Treasurer be discharged of the several Sums mentioned, amounting to Twenty five thousand Six Hundred & seven pounds nineteen shill^s and eight pence, accordingly. [*Passed March 8.*]

CHAPTER 339.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA COFFEE AND CHINAWARE FOR THE COUNTY OF PLYMOUTH, AND ALLOWING 28/8 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
243.

House Jour-
nal, p. 319.
Province
Laws, iii., 1063
note. *Anfe*,
p. 121, chap.
267.

GAMALIEL BRADFORD ESQ^r from the Committee for farming out the Excise on Coffee Tea and China Ware in the County of Plymouth made report that they had Sold the same to Mr John Russell of Plymouth for the sum of Sixty one pounds six shillings and eight pence; And prayed Allowance of their Expence, and for their time Amounting to twenty eight shillings and eight pence.

Read and Accepted and

Resolved That there be allowed and paid out of the publick Treasury the sum of Twenty eight shillings and eight pence to the said Committee in discharge of their Account of Time and Expences exhibited. [*Passed March 8.*]

CHAPTER 340.

ORDER GRANTING TO ELISHA FULLER LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
244.

Mass.
Archives, xxi.,
408. House
Journal,
pp. 319, 325.

A PETITION of Elisha Fuller of Newton; setting forth, That he dwells near the Center of said Town, where there is no House of publick Entertainment, and having been desired by some of the principal persons in the Town to entertain the Officers and Soldiers upon the days of their publick Musters; prays that the Court of General Sessions of the peace for the County of Middlesex may be impowered to grant him a Licence for that purpose.

Read and

Ordered That the prayer of this petition be granted, and that the Justices of the Court of General Sessions of the peace for the County of Middlesex be and hereby are impowered at their next term to grant the petitioner a Licence (if they see fit) under such Restrictions and Limitations as they shall judge proper to keep an House of publick Entertainment on Training days and other publick days in said Town, the time for granting Licences being elapsed notwithstanding. [*Passed March 8.*]

CHAPTER 341.

ORDER GRANTING TO ELIZABETH BROOKS LICENCE TO SELL STRONG DRINK.

A PETITION of Elizabeth Brooks of Woburn Widow, setting forth That her Husband lately deceased was a Retailer of Spirituous Liquors in said Town, and being well provided with a Stock to carry on the business; praying that the Court of General Sessions of the peace for the County of Middlesex may be impowered to grant her a Licence to retail such Liquors.

Read and

Ordered, That the Prayer of this Petition be granted, And Y^t the Justices of the Court of General Sessions of the peace for the County of Middlesex, be and hereby are impowered at their next Term to grant the Petitioner a Licence (if they see fit) to be a retailer of Spirituous Liquors in the Town of Woburn, She first Obtaining the Approbation of the Selectmen of Said Town, the Time for granting Licences being Elapsed notwithstanding. [*Passed March 8.*]

Legislative
Records of the
Council, xxii.,
244. Mass.
Archives, cxx.,
226.

Mass.
Archives, cxx.,
225. House
Journal, p. 321.

CHAPTER 342.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO WILLIAM SNOW.

A PETITION of William Snow of Rochester, setting forth that he was a Soldier in the late Crown point Expedition and returned his Arms to M^r Cox Storekeeper at the Half Moon, notwithstanding which there is Four pounds deducted from his Wages for his Gun, as not being returned.

Read and

Ordered, That the Treasurer be directed to pay the Petitioner the four Pounds stopped out of his Wages due on the last Crown-point Expedition on account of his Arms not being returned. [*Passed March 9.*]

Legislative
Records of the
Council, xxii.,
246. Mass.
Archives,
lxxvii., 501.

House Jour-
nal, p. 325.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 343.

ORDER ADJOURNING THE COURTS OF BRISTOL COUNTY.

WHEREAS divers of the Justices of the Inferiour Court of Common pleas, and Court of General Sessions of the peace, which by Law are to be held at Taunton in the County of Bristol on the

Legislative
Records of the
Council, xxii.,
246.

House Journal, p. 328.
Province
Laws, iii., 64,
chap. 32; 313,
chap. 15.

second Tuesday of March instant are Members of this Court, and the important Affairs of the province require their Attendance thereon. Wherefore

Ordered That said Courts be and hereby are adjourned to the second Tuesday in April next, And that all Matters and Things that might have day at said Courts on said second Tuesday of March shall be heard and tried on the said second Tuesday of April; and that all officers and other persons concerned in said Courts conform themselves accordingly. [*Passed March 9.*]

CHAPTER 344.

ORDER ADJOURNING THE COURTS OF MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxii.,
246.

House Journal, p. 328.
Province
Laws, iii., 64,
chap. 32.

WHEREAS divers of the Justices of the Inferiour Court of Common pleas and Court of General Sessions of the peace which by Law are to be held at Charlestown in the County of Middlesex on the second Tuesday of March instant, are Members of this Court, and the important Affairs of the province require their Attendance thereon. Wherefore

Ordered that the said Courts be and hereby are adjourned to the third Tuesday of April next; and that all Matters and Things that might have day at said Courts on said second Tuesday of March shall be heard and tried on the said third tuesday of April, And that all Officers and other persons concerned in said Courts conform themselves accordingly. [*Passed March 9.*]

CHAPTER 345.

ORDER IMPOWERING SAM^l WHITE AND WILLIAM WOOD TO DEFEND AN ACTION.

Legislative
Records of the
Council, xxii.,
247.

House Journal, pp. 313, 329,
330. Province
Laws, iii., 64,
chap. 32; 313,
chap. 15.

A PETITION of William Wood and Samuel White Agents for the proprietors of a place called Horse Neck in the Town of Dartmouth setting forth That at the Inferiour Court at Taunton for the County of Bristol in December last, one John Sowle of said Dartmouth brought an Action against the proprietors of said Neck to recover £20. 14. 9½ for sundry Services and Disbursements; That the proprietors chose an Agent to appear for them at said Court, but the Meeting of the proprietors being called (thré mistake) by three of them only, when there ought to have been five, the Appearance was disallowed by the Court, and the Action went by default against the proprietors; And praying Relief.

Read and

Ordered That the prayer of this petition be so far granted, as that the proprietors of the Horse Neck (so called) in Dartmouth in the County of Bristol be and they are hereby allowed and impowered to defend the Action which was originally commenced against them at the Inferiour Court of Common pleas held at Taunton for the County of Bristol on the second Tuesday of December last, at the Inferiour Court of Common pleas to be holden at Taunton for the County aforesaid on the second Tuesday of June next, And the said Court

is hereby impowered and directed to hear and try the same, enter up Judgment and award Execution thereon, the Default mentioned notwithstanding; provided the petitioners serve the said Sowle with a Copy of this Order fourteen days at least before the Sitting of said Court on the second Tuesday of June next, And that the Judgment given on the default mentioned be and hereby is Superseded.
[*Passed March 10.*]

CHAPTER 346.

ORDER IMPOWERING JOHN CHANDLER, J^r, ADM^r, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Chandler jun^r Administrator of the Estate of William Johnson late of Worcester Blacksmith deceased, setting forth that the said William died seized of 500 Acres of Land at Charlemont of little Value, and of about Six acres of unimproved Land in Worcester apprizd at £3. 12. That he died insolvent; And praying that he the said Administrator may be impowered to Sell the said Lands for the benefit of the Creditors.

Legislative
Records of the
Council, xxii.,
248.

House Jour-
nal, pp. 326,
330, 331. Prov-
ince Laws, ii.,
151, chap. 10.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in his said Capacity of Administrator be and he hereby is impowered to make Sale of the Lands mentioned for the most the same will fetch, and to make and execute a good deed or deeds of Conveyance thereof in Law, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient Caution to the Judge of Probate for the County of Worcester to Account for the produce of said Sale, so that the same may be proportioned among the several Creditors according to their respective demands. [*Passed March 10.*]

CHAPTER 347.

ORDER IMPOWERING CORNELIUS STURTEVANT AND JON^a TILSON, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Cornelius Sturtevant and Jonathan Tilson of Plympton in the County of Plymouth, Guardians of Seth Eaton and James Eaton Minors, Sons of Benjamin Eaton late of Kingston deceased; setting forth that each of the said Minors have about Six or Seven Acres of Land set off to them in several pieces, which lye without Fence and unimproved; And praying that they may be impowered to Sell the same that they may improve the produce at Interest for the benefit of said Minors.

Legislative
Records of the
Council, xxii.,
248.

House Jour-
nal, pp. 322, 330.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the prayer of this petition be granted, and that the petitioners be and they hereby are impowered (in their s^d Capacity of Guardians) to make Sale of the Lands mentioned for the most the same will fetch, and to make and execute a good deed or deeds thereof in the Law, they observing the direction of the Law respecting the Sale of Real Estates by Executors And Administrators;

provided they give sufficient Caution to the Judge of probate &c. for the County of Plymouth that the proceeds of said Lands with the Interest arising thereon be secured to the said Minors. [*Passed March 10.*]

CHAPTER 348.

ORDER TRANSFERRING CERTAIN APPROPRIATIONS TO CERTAIN OTHER PURPOSES THAN THOSE ORIGINALLY NAMED.

Legislative
Records of the
Council, xxii.,
250.

House Jour-
nal, pp. 334, 335.
Province
Laws, iv., 18,
chap. 3.

Ordered That there be a Transfer of the sum of Two hundred pounds from the Appropriation for Grants to the Appropriation where there is no Establishment, And of the sum of Four hundred and sixty pounds four shillings from the Appropriation for Crown point, to the Appropriation for Bounty to encourage Men to enlist under Lord Loudoun, And of the Sum of Eight hundred thirty six pounds, twelve shillings and eleven pence from the said Appropriation for Crown point, to the Appropriation for billeting; Also of the sum of Fifteen hundred pounds from the Appropriation for the Commissary's Disbursements to the Appropriation for Forts and Garrisons, And that the Treasurer conform himself accordingly. [*Passed March 11.*]

CHAPTER 349.

ORDER IMPOWERING BEATRICE NELSON, ADM^x, TO SELL LAND.

Legislative
Records of the
Council, xxii.,
250.

House Jour-
nal, pp. 324, 333.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Beatrice Nelson of Brimfield in the County of Hampshire Administratrix of the Estate of George Nelson of said Brimfield deceased; setting forth, That the deceaseds personal Estate is not sufficient to pay his Debts; That he had in his Lifetime bargained for two Acres of Meadow, That the whole Real Estate consists of Sixty three Acres of Land in Brimfield aforesaid with some Buildings on the same; And as it must Spoil it for a Settlement to Sell off a part, praying that She may be empowered to Sell the whole under such Restrictions as may be thought proper.

Read and

Ordered That the prayer of this Petition be granted, and that the within named Beatrice Nelson in her said Capacity be and hereby is empowered to make Sale of the whole of the Real Estate mentioned and described and to make and execute a good deed or deeds in the Law of the same She observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Hampshire where the deceased dwelt for the due Application of the Monies arising by said Sale, and for her duly Accounting for the Overplus (if any there be). [*Passed March 11.*]

CHAPTER 350.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £3. 4 TO CALEB CUSHING IN EXCHANGE FOR £6 NEW TENOR BILLS OF CREDIT.

Ordered That the province Treasurer be and he hereby is directed to pay to Caleb Cushing Esq^r Three pounds four shillings for Six pounds New tenor in bills of Credit on this province in his possession; He delivering to the said Treasurer the said province Bills. [*Passed March 11.*]

Legislative
Records of the
Council, xxii.,
251.

House Jour-
nal, p. 328.

CHAPTER 351.

VOTE TO PAY WITNESSES IN SUIT OF SOLOMON WHITNEY AGAINST CAPT. ZEDEKIAH STONE.

Voted that the several Witnesses summoned by the Clerk of the House to give evidence of what they know relative to the Matters of Complaint exhibited against Capt. Zezekiah Stone in the petition of Solomon Whitney and others be paid out of the publick Treasury in the same manner as they are allowed by Law in the lower Courts. [*Passed March 11.*]

Legislative
Records of the
Council, xxii.,
251.

House Jour-
nal, pp. 244, 327,
332, 333, 334.

CHAPTER 352.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the publick Treasury to Capt. Henry King for the Use of Noah McIntyer Three pounds ten shillings; and for the Use of Caleb Barton Three pounds; To Joseph Gerrish Esq^r for the Use of Hezekiah Hutchins, twenty one shillings; To Capt. Jabez Upham for the Use of Mercy Adams Three pounds eighteen shillings; To Capt. John Brown for the Use of Ephraim Morey, fifty nine shillings and four pence, And to Jonathan Buswell Thirty eight shillings and ten pence being in full Consideration of the Expences in their petitions respectively mentioned. [*Passed March 11.*]

Legislative
Records of the
Council, xxii.,
251.

House Jour-
nal, pp. 328, 329.

CHAPTER 353.

VOTE TO RAISE 7,000 MEN FOR INTENDED INVASION OF CANADA.

Voted, That Seven Thousand Men, inclusive of Officers be raised on the part of this Government, by enlistment for the Intended Expedition against Canada, to be formed into Regiments, and Officer'd by such of the Inhabitants of this Province as His Excellency the Cap^t General shall be pleased to appoint: The said Men to be continued in the service for a time not exceeding the first Day of November next, and to be dismissed as much sooner as his Majesty's Service will admit. [*Passed March 11.*]

Legislative
Records of the
Council, xxii.,
252. Mass.
Archives,
lxxvii., 503.

House Jour-
nal, p. 335.
Province
Laws, iv., 135,
note. *Infra*,
chap. 355.

CHAPTER 354.

ORDER IMPOWERING ABIGAIL STEVENS, ADM^s, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
252.

House Jour-
nal, pp. 331, 333.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Abigail Stevens Administratrix on the Estate of Isaac Stevens late of Rutland in the County of Worcester deceased setting forth That the deceaseds personal Estate is not sufficient to pay his just Debts; That he died seized of the Moiety of Seventy Acres of Land in three peices in said Rutland lying in Common and Undivided, And as a part thereof must be sold for the payment of Debts; praying liberty to sell the whole.

Ordered That the prayer of the petition be granted, And that the said Abigail Stevens be and hereby is empowered in her said Capacity to make Sale of the whole of the said deceaseds Real Estate for the most the same will fetch, and to execute a good deed or deeds thereof, provided the petitioner observe the directions of the Law for the Sale of Real Estates by Executors and Administrators, and give sufficient caution to the Judge of probate for the County of Worcester, that the proceeds arising by said Sale be applied to the payment of the just Debts of the deceased (saving One third part of the Annual Income to the Widow in lieu of her right of Dower or Thirds in the premisses during her Natural Life) and the remainder thereof to be for the benefit of said Deceaseds Children as the Law directs. [*Passed March 13.*]

Legislative
Records of the
Council, xxii.,
252. Mass.
Archives,
lxxvii., 507.

Legislative
Records of the
Council, xxii.,
233, 249. House
Journal, p. 335.
Province
Laws, iv., 135,
note. *Supra*,
chap. 353.

CHAPTER 355.

VOTE TO RAISE MEN FOR AN INVASION OF CANADA.

Voted Unanimously, That a suitable Number of Men be raised by this Government to Co-operate with His Majesty's Forces in an Attempt for the Reduction of Canada. [*Passed March 13.*]

CHAPTER 356.

VOTE THAT SUBSISTENCE BE ALLOWED SOLDIERS ON THEIR RETURN HOME AND THAT TAVERNERS BE DIRECTED TO SEND IN THEIR ACCOUNTS.

Legislative
Records of the
Council, xxii.,
253.

House Jour-
nal, p. 339.
Province
Laws, xv., 657,
chap. 317; 759,
chap. 575.

Voted That Subsistence be allowed the Soldiers raised by this Government under the Command of his Excellency the Earl of Loudoun the Year past, on their return home from the Army; And that the Taverners and others who Supplied any of said Soldiers, and have not received their pay, be and hereby are directed to return their Acco^{ts} attested under Oath to the Secretary of the province in order for Allowance, provided they charge in their Accounts no more than has heretofore been allowed. [*Passed March 14.*]

CHAPTER 357.

ORDER REFERRING PETITION OF PLYMOUTH AGAINST SANDWICH IN REGARD TO FISHING FOR ALEWIVES.

A PETITION of Thomas Foster Esq^r in behalf of the Town of Plymouth, setting forth, That the great Herring pond (so called) lyeth in the Town of Plymouth from whence runneth a large Brook or River through the Town of Sandwich into the Sea, and that the Line between the two Towns runneth over the Neck of said pond just above the place where the said Brook issues from it; That there are large Quantities of Alewives come up the Brook to cast their Spawn in the pond, but as the Law now stands for regulating the taking of Alewives, the Town of Plymouth is deprived of all Advantages of the Fishery, and the Town of Sandwich apprehending the sole right thereof to be in them refuse to treat with the Town of Plymouth about it; And praying that this Court would interpose for their Relief.

Read and

Ordered that the Consideration of this Petⁿ be referred to the second Wednesday of the next May Sessions. [*Passed March 14.*]

Legislative
Records of the
Council, xxii.,
137, 253. Mass.
Archives,
lxxxvii., 438.

Mass.
Archives,
lxxxvii., 437.
House Jour-
nal, pp. 193, 327,
342. Province
Laws, iv., 78,
chap. 31.

CHAPTER 358.

VOTE ESTABLISHING WAGES OF OFFICERS AND MEN ON BOARD PROVINCE SHIP KING GEORGE.

Voted that the following Establishment of Wages be made for One hundred and fifty Men (Officers included) for the Province Ship called the King George to continue untill the first Day of Septemb^r next, provided the war with France shall continue so long.

Legislative
Records of the
Council, xxii.,
254. Mass.
Archives,
lxxv., 412.

House Jour-
nal, pp. 323, 332,
333, 339. Pro-
vince Laws, iii.,
1066, note; xv.,
678, chap. 382.

For a Captain	£8. 0. 0	Per month
For a Lieutenant	5. 0. 0	ditto
For a Master	4. 0. 0	ditto
For a Pilot	4. 0. 0	ditto
For a Surgeon	4. 0. 0	ditto
For a Surgeon's Mate	2. 10. 0	ditto
For a Chaplain	3. 10. 0	ditto
For a Mate	3. 0. 0.	ditto
For a Carpenter	3. 0. 0.	ditto
For a Gunner	3. 0. 0.	ditto
For a Boatswain	3. 0. 0.	ditto
For a Sailmaker	2. 10. 0.	ditto
For an Armourer	2. 10. 0.	ditto
For a Coxswain	2. 10. 0.	ditto
For a Boatswain's Mate	2. 5. 0.	ditto
For a Steward	2. 5. 0.	ditto
For a Cook	2. 0. 0.	ditto
For a Quarter Master	2. 5. 0.	ditto
For each Seaman	2. 0. 0.	ditto

And that His Excellency be desired to give Orders for inlisting said Men accordingly. [*Passed March 14.*]

CHAPTER 359.

RESOLVE ALLOWING £4 TO WILLIAM WYER JR.

Legislative
Records of the
Council, xxii.,
256. Mass.
Archives,
lxxvii., 502.

House Jour-
nal, p. 339.
Supra, chap.
358.

A PETITION of William Wyer jun^r praying for an Allowance to him as a Sailmaker on board his Majesty's Ship King George fitted out by this Government under the Command of Capt. Benjamin Hallowell.

Read and

Resolved, That the Prayer of this petition be so far granted, as that there be allowed and paid out of the Public Treasury, the sum of four Pounds for his Service as a Sail Maker, on board the Province Ship King George, over and above his Wages as a Seaman, the last Year. [*Passed March 15.*]

CHAPTER 360.

ORDER CONFIRMING THE PROCEEDINGS OF MEETINGS OF INHABITANTS OF DISTRICT OF SOUTH HADLEY, AND IMPOWERING THEM TO CHOOSE COLLECTORS OF TAXES.

Legislative
Records of the
Council, xxii.,
256.

House Jour-
nal, pp. 323, 324,
330, 341.

A PETITION of Daniel Nash and others Selectmen of South Hadley; setting forth that at their annual Meeting in March last Ephraim Smith and Aaron Nash were chosen Constables, both of whom have been and still are Sick and unable to perform the Duties of their Office; That during their Sickness the Selectmen have Notified District Meetings, And praying that their proceedings herein may be established, and also that they may be enabled to chuse Collectors of the Taxes in the room of those Constables who are Sick.

Read and

Ordered That the prayer of the petition be granted; and that the proceedings of the Inhabitants of said District assembled on the second Monday of January last; as also their proceedings on the second Monday of March instant, on all such Matters and things contained in the respective Notifications of the Selectmen be held and hereby are declared as valid in Law to all intents and purposes as tho' said Meetings had been warned by the Constables; And that the said Inhabitants be and hereby are empowered to chuse Collectors for the purposes mentioned, And that such Collectors when chosen and duly Sworn be and hereby are ordered to receive the several Assessments made in the said District for the year. 1757. and Collect and pay in the same to the respective Treasurers according to Law, and the Warrants given them for that purpose; And on Certificate of the names of said Collectors so chosen, and the several Sums to them committed to Collect and pay into the province Treasurer, that then the said Treasurer be and hereby is ordered to issue his Warrants to them accordingly. [*Passed March 15.*]

CHAPTER 361..

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the publick Treasury to Joseph Buckminster Esq^r for the use of Capt. Daniel Burnap, fifty three shillings and eight pence; and for the use of Ephraim Woods fifty seven shillings and two pence To Capt. Benja Hutchins for the Use of Thomas Cunningham Forty shillings; To John Murray Esq^r for the use of Peter Newton fifty eight shillings and eight pence; To William Lawrence Esq^r for the use of David Kemp forty eight shillings; And to M^r Gideon Lyman for the use of Nathaniel Strong fifty shillings and six pence in full Consideration of the Expences in their petitions respectively mentioned. [*Passed March 15.*]

Legislative
Records of the
Council, xxii.,
257.

Mass.
Archives,
lxxvii., 16, 68,
201, 473, 517.
House Jour-
nal, p. 340.

CHAPTER 362.

ORDER IMPOWERING SELECTMEN OF HOLLISTON TO REMOVE FRENCH INHABITANTS THEREOF TO BELLINGHAM.

A PETITION of Asa Fisk and others Selectmen of Holliston, setting forth that in October. 1756. there were eight of the Nova Scotia French persons ordered one half to Holliston, and the other half to Bellingham, but being all of one Family, the Sheriff in compliance with their desire placed them all at Holliston, And as the Town is small, and Bellingham has never had its proportion; praying that they may now be removed thither, or elsewhere as shall be judged best.

Read and

Ordered, That the Prayer of this Petition be granted; And That the Select Men of the Town of Holliston be and hereby are allowed to remove the eight french People now in said Town to the Town of Bellingham, provided it be done at the Charge of the Town of Holliston; And the Select Men of Bellingham are hereby required to receive the said french People under their Care, and provide for their comfortable Support. [*Passed March 15.*]

Legislative
Records of the
Council, xxii.,
257. Mass.
Archives,
xxiii., 634.

House Jour-
nal, p. 346.
Province
Laws, xv., 606,
chap. 186.

CHAPTER 363.

ORDER ALLOWING 40/ TO MARY SEDAUDA, INDIAN.

A PETITION of Mary Sedauda formerly a French Cagnawaga Squaw, but a constant Resident in this province for 29 Years past setting forth, that her Husband and She came into this province by the persuasion of Capt. Joseph Kellog and his Sister who had been Captives with the Indians That they have had a Son, and Daughter born in the province, and that her Husband and Son have been in the Government Service as Soldiers the former being now dead; That her son enlisted in General Shirley's Regiment, but where he now is, she cannot tell, That She is now grown Old and decrepid; And praying for Relief;

Legislative
Records of the
Council, xxii.,
260. Mass.
Archives,
xxxiii., 35.

House Jour-
nal, pp. 340, 343.

Read and
Ordered, That the sum of forty Shillings be allowed to be paid out of the public Treasury into the hands of Elijah Williams Esq^r to be laid out in Cloathing for the use of the Petitioner. [*Passed March 15.*¹

CHAPTER 364.

VOTE LEVYING A TAX OF £13 FOR FIVE YEARS ON UNIMPROVED LANDS IN HOLDEN.

Legislative
Records of the
Council, xxii.,
258. Mass.
Archives, xlv.,
48.

Mass.
Archives, xlv.,
49. House
Journal,
pp. 157, 351.
Ante, p. 74,
chap. 166.

A PETITION of Joseph Davis and others [*ante*, p. 74, chap. 166.]
[Read &]
Voted that a Tax of thirteen pounds for the Space of five Years be and hereby is laid upon the unimproved Lands in the Town of Holden in the County of Worcester belonging to the Non resident Proprietors said Sum of thirteen pounds to be for the use of the said Joseph and to be paid him in addition to the Sum of Forty five pounds his Yearly Salary that the Assessors of said Town of Holden be and hereby are impowered and directed to Assess said Sum of Thirteen pounds upon the Non resident proprietors of said Lands in proportion to the Number of Acres they severally Own and that the Collector or Collectors of said Town or such one of them as y^e said Town shall appoint be hereby directed and impowered to collect said Taxes and pay the same to the said Joseph Annually during the Continuance of this resolve. [*Passed March 16.*

CHAPTER 365.

VOTE ESTABLISHING ALLOWANCE OF PROVISIONS ON BOARD SHIP KING GEORGE.

Legislative
Records of the
Council, xxii.,
259. Mass.
Archives, lxxv.,
417.

House Jour-
nal, pp. 340, 341,
345. Province
Laws, lii., 1066,
note. *Ante*,
p. 155, chap.
358.

Voted, That the following Allowance of Provisions be made to each man in the Service on board the Province Ship of War King George, Viz^t

Six pounds of Bread	} per Week.	One quart of Pease, or Beans	} per Week.
Four pounds of Pork		Seven Jills of Rum, &	
three pounds of Beef		Three Gallons of Beer	
One and an half pound of Flour			

[*Passed March 16.*

CHAPTER 366.

RESOLVE ALLOWING £2. 6. 8 TO THOMAS RIGGS.

Legislative
Records of the
Council, xxii.,
260. Mass.
Archives,
lxxvi., 730.

A PETITION of Thomas Riggs; praying for the half pay he was intitled to upon his reinlisting into his Majesty's Service for the last Crown point Expedition, being omitted in the Muster Roll
Read and

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 16.

Resolved, That there be allowed and paid out of the Public Treasury the Sum of two Pounds six Shillings & eight pence in full of the half pay he was entitled to on his Reinlisting into the Service on the last Crown-Point Expedition. [*Passed March 16.*]

Mass. Archives, lxxvi., 729. House Journal, p. 349. Province Laws, xv., 452, chap. 310.

CHAPTER 367.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THOMAS RALPH AND OTHERS, INDIANS, COMPLAINING OF ENCROACHMENTS.

A PETITION of Thomas Ralph and others, Indian Natives of the Towns of Eastham and Harwich; setting forth that the English Inhabitants have encroached on their property, and that the Town of Eastham have Sold to Samuel Smith Esq^r and M^r Sylvanus Snow a certain Neck of Beach and Thatch Ground on one side of Billingsgate most commodiously situated for the Whaling business, and which has from time immemorial been improved by them for that purpose And praying Relief.

In the House of Rep^s

Read And

Ordered, That M^r Edward Bacon & Cap^t Joseph Robinson, with such as the honl Board shall appoint, be a Committee to view the Premises, hear the Parties, And make report.

In Council Read and Concurred & Gamaliel Bradford Esq is joined in the Affair. [*Passed March 17.*¹]

Legislative Records of the Council, xxii., 253. Mass. Archives, xxxiii., 11^a.

Mass. Archives, xxxiii., 10, 11; ccclii., 84. Legislative Records of the Council, xxi., 206; xxii., 139, 258. House Journal, pp. 196, 197, 342, 352. Province Laws, iii., 1082, note.

CHAPTER 368.

ORDER GRANTING TO HENRY COMMERFORD, LICENCE TO RETAIL STRONG DRINK.

A PETITION of Henry Comerford of Gloucester in the County of Essex, praying That the Court of General Sessions of the peace may be impowered to grant him a Licence for retailing of Spirituous Liquors, the time for granting of Licences being elapsed notwithstanding.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Court of General Sessions of the Peace for the County of Essex to be held at Ipswich on the last Tuesday of March Instant be & hereby are Impowered (if they see fit) to grant the Petitioner a License to retail spirituous Liquors in the Town of Gloucester he having already obtained the Approbation of the Selectmen for that purpose, the time for granting of Licenses being elapsed notwithstanding. [*Passed March 17.*]

Legislative Records of the Council, xxii., 261. Mass. Archives, cxx., 230.

Mass. Archives, cxx., 228. House Journal, pp. 356, 357.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 15.

CHAPTER 369.

VOTE GRANTING 300 ACRES OF LAND TO EBENEZER NICHOLS.

Legislative
Records of the
Council, xxii.,
261. Mass.
Archives,
lxxvii., 490.
Mass.
Archives,
lxxvii., 489.
House Jour-
nal, pp. 334, 350,
351.

A PETITION of Ebenezer Nichols Esq^r setting forth his various Services in a Military Life from the year. 1724. particularly at the Seige of Louisburgh in 1745. and in the Expedition against Crown point in 1755. when in the discharge of his duty at the Action near Lake George he received a Ball from the Enemy in his Breast, which brought on a Fever in which his Life was despaired of, and Six Months after when he was so well as to return home had a considerable peice of a Bone taken out of his Wound, occasioning much pain and Loss of time to the petitioner; And praying that the Court would take his Services and Sufferings into Consideration and make him an Allowance therefor.

Read and

Voted, That this Court from a just Sense of the brave Col^o Ebenezer Nichols's long and faithfull Services in Defence of his Country in the present and former Wars; as a Reward therefor, and to animate others to follow his Virtuous Example, have granted, and do hereby grant unto Him the said Ebenezer Nichols, his Heirs and Assigns Three Hundred Acres of the unappropriated Lands, belonging to this Province, in the County of York, to be surveyed and laid out at his charge, by a Surveyor and Chain Men under Oath, and a Platt thereof returned to this Court for Confirmation as soon as may be; Provided that the Lands so surveyed and laid out do not interfere with any former Grant or Grants of this of This¹ Govern-ment. [*Passed March 17.*]

CHAPTER 370.

VOTE ACCEPTING REPORT OF COMMITTEE ON EXPEDITION AGAINST CANADA AND ESTABLISHING BOUNTY AND WAGES OF OFFICERS AND SOLDIERS ENLISTED THEREIN.

Legislative
Records of the
Council, xxii.,
262. Mass.
Archives,
lxxvii., 513.

THE COMMITTEE appointed by both Houses to consider what is proper to be further done in relation to the Expedition now under Consideration made report, which with the Amendments afterwards made thereon by the two Houses, is as follows, Viz^t

Mass.
Archives,
lxxvii., 511–515.
Legislative
Records of the
Council, xxii.,
254, 255.
House Jour-
nal, pp. 341, 349,
350. Province
Laws, iv., 135,
note.

That each able bodied effective Man who shall voluntarily inlist himself into the intended Expedition against Canada before the fifteenth day of April next shall be intitled to Thirty shillings and upon his passing Muster shall receive a good Blanket and Fifty shillings more for furnishing himself with Cloaths. Also That the following Establishment be made for Officers and Soldiers that may be employed in said Expedition Viz^t

That the Wages of a Colonel to each Regiment consisting of 1,000	} £20	P Month
Men		
For one Lieutenant Colonel for such Regiment	16. 13. 4.	ditto
For one Major to ditto	13. 16. 8	ditto
For a Captain of 100 Men including Officers	8. 0. 0.	ditto
For two Lieutenants for such Company, each	5. 0. 0.	ditto

¹ *Sic.*

For one Ensign for ditto	£3. 10	½ Month
For one Chaplain to each Regiment	8	ditto
For one Adjutant to each Regiment	4	ditto
For one Surgeon to each Regiment	10	ditto
For one Surgeon's Mate, to ditto	5. 6. 8	ditto
For each Sergeant	2. 3. 1	ditto
For each Corporal	1. 18. 7	ditto
For each Drummer	1. 18. 7	ditto
For each private Centinel	1. 16.	ditto

And that there be allowed for inlisting the several Soldiers for said Expedition two shillings each to be paid to the persons who shall inlist the same.

Read and

Ordered, That this Report be Accepted. [*Passed March 17.*]

CHAPTER 371.

VOTE ESTABLISHING ADDITIONAL BOUNTY UNDER CONDITIONS TO PERSONS VOLUNTARILY ENLISTING FOR EXPEDITION AGAINST CANADA.

Voted, That in Addition to the other Encouragements, granted by this Court, That to every non Commission Officer and private Soldier that shall voluntarily inlist themselves into his Majesty's Service for the present Intended Expedition against Canada, and shall Actually proceed thereon, there be paid to every such person on his Return, or to his Exec^{rs} or Admin^{rs} in Case they die in the service the Sum of Ten Pounds, in Case the said Government of Canada shall by said Expedition be reduced to a Subjection to his Majesty's Arms. [*Passed March 18.*]

Legislative
Records of the
Council, xxii.,
264. Mass.
Archives,
lxxvii., 520.
House Jour-
nal, p. 350.
Province
Laws, iv., 136,
note. *Supra*,
chap. 370.

CHAPTER 372.

RESOLVE ALLOWING 40/ TO CHR. VANHORN.

A PETITION of Christian Vanhorn of Springfield, setting forth That he furnished his Servant William Caleb, a Soldier in the late Crown point Expedition, with a Gun; That his said Servant died at Fort William Henry, and the petitioner could never recover the said Gun, or any other thing which his said Servant had with him; And praying Relief.

Read and

Resolved That there be allowed and paid out of the publick Treasury the sum of Forty shillings to John Worthington Esq^r for the petitioners Use for the Loss of the Gun mentioned. [*Passed March 18.*]

Legislative
Records of the
Council, xxii.,
265.
Legislative
Records of the
Council, xxi.,
519. House
Journal,
pp. 343, 353.

CHAPTER 373.

ORDER DIRECTING THE JUSTICES OF THE COUNTY OF YORK TO PROVIDE FOR SUPPORT OF CHILDREN.

Legislative
Records of the
Council, xxii.,
265. Mass.
Archives,
cxvii., 331.

Mass.
Archives,
cxvii., 330.
House Jour-
nal, pp. 93, 202,
269, 270, 355.

A PETITION of Christopher Strout and others Selectmen of the Town of Falmouth; setting forth that one John Clark an Inhabitant of the County of York, but without the Bounds of any Town has been confined for some time in York Goal for a supposed Murder, and his Wife and daughter as Accessaries, That two young Children of said Clarkes have since his Confinement been supported by the Town of Falmouth being too young to bind out; And praying that the Charge of their Support may be laid on the province in general, or upon the County of York.

Read again [on motion to revive] &

Voted, That this Petⁿ be Revived: and, Whereas it appears to this Court that the Maintenance of the Children mentioned is properly a County Charge,

Ordered, That the Justices of the General Sessions of the Peace for the County of York, be and hereby are directed & enjoined to provide for it accordingly, 'till the said Children can be bound out or taken Care of by their parents. [*Passed March 18.*]

CHAPTER 374.

RESOLVE ALLOWING 13/4 TO MOSES PITCHER.

Legislative
Records of the
Council, xxii.,
266. Mass.
Archives,
lxxvii., 508.

House Jour-
nal, pp. 353, 362.

A PETITION of Moses Pitcher of Boston; praying an Allowance of his Expences on his returning home Sick from the Army in 1756.

Read and

Resolved, That there be allowed and paid out of the public Treasury thirteen Shillings and four pence to the Petitioner in ful for his Expende in his return home from the last Crown point Expedition. [*Passed March 18.*]

CHAPTER 375.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
266.

Mass.
Archives,
lxxvi., 426;
lxxvii., 13, 189,
243, 492.
House Jour-
nal, p. 357.

Resolved That there be Allowed and paid out of the publick Treasury to Capt. Ephraim Spaulding for the use of John Warren, Three pounds two shillings and eight pence, and for the use of William Bowers Three pounds; To Josiah Johnson Esq^r for the use of Jonathan Parker, Five pounds four shillings and two pence; To M^r James Humphrey for the use of Joshua French Three pounds fourteen shillings and eight pence, And to M^r Matthew Noble for the use of Benoni Sacket Forty shillings, being in full of the Expences in their respective petitions mentioned. [*Passed March 18.*]

CHAPTER 376.

ORDER ALLOWING JOSIAH THACHER & ROBERT MANTER PAY FOR SERVICES RENDERED.

A PETITION of Josiah Thacher and Robert Manter, setting forth, that on the 18th of August last, they were appointed the one Lieutenant and the other Ensign in Capt. Peter Wests Company under the General Command of his Excellency the Earl of Loudoun; And praying that they may be made up in the Roll accordingly.

Read and

Ordered, That the prayer of this Petition be granted, And the Petitioners hereby are allowed to make up their Muster-Roll accordingly. [*Passed March 18.*]

Legislative
Records of the
Council, xxii.,
267. Mass.
Archives,
lxxvii., 506.
House Jour-
nal, pp. 342, 346.

CHAPTER 377.

VOTE PROVIDING FOR THE SUPPORT OF FRENCH NEUTRALS.

THE COMMITTEE appointed to consider of some Method to ease the province of the Charge of Supporting the late French Inhabitants of Nova Scotia now in the province; Reported according to order.

In the House of Representatives,

Whereas the allowed Accounts for the late Inhabitants of Nova Scotia, who came hither from the Southern Governments amount to Four Hundred and eleven Pounds six Shillings & four pence, and the allowed Accounts of the rest of them amount to Five Thousand three Hundred and thirty four Pounds five shillings & eleven pence three Farthings:

Voted, That a Dwelling House be provided for them this Year,¹ as heretofore; that the sick, infirm and aged who cannot labour, be maintained at the Expence of this Government, as heretofore; and that all able bodied Persons be obliged after the fifteenth Day of April next, until the further Order of this Court, to maintain themselves and Families; and that the Select Men of the several Towns where they are, upon their Desire, assist them to Employment, and take Care they are not defrauded; and that the Members of this House be directed to inspect the Circumstances of Age, Infirmary, Sickness, Orphanishp and Ability of such Persons, in their respective Towns, and the Towns next adjoining where there is no Representative, and report to this Court at their next Sitting.

In Council Read and Concur'd. [*Passed March 18.*]

¹ The House Journal and Legislative Records of the Council both read: That Dwelling houses be provided for the late Inhabitants of Nova Scotia now in the province this year, etc.

Legislative
Records of the
Council, xxii.,
267. Mass.
Archives,
xxiii., 645.
House Jour-
nal, pp. 358, 359.
Province
Laws, iv., 98,
note; xv., 535,
chap. 15.

CHAPTER 378.

RESOLVE ALLOWING 27/7 TO W^M DAVENPORT.

Legislative
Records of the
Council, xxii.,
268. Mass.
Archives,
lxxvii., 491.

House Jour-
nal, pp. 343, 360.

A PETITION of William Davenport; setting forth that being called into his Majesty's Service to reinforce the Troops in the year. 1756. he was appointed Adjutant of Col^o Nichols Regiment, but having received no Commission, he was not allowed to draw any Wages; And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner, the sum of Twenty Seven Shillings and seven pence, being the Wages of a private Soldier for three weeks and Two days, the Time he was in the service on the last Expedition against Crown point. [*Passed March 20.*]

CHAPTER 379.

RESOLVE ALLOWING £13. 7. 3 TO ELIPH^A HOLBROOK.

Legislative
Records of the
Council, xxii.,
269. Mass.
Archives,
lxxvii., 505.

House Jour-
nal, pp. 170, 200,
346, 360. Prov-
ince Laws, xv.,
695, chap. 416.

A PETITION of Eliphalet Holbrook of Bellingham; setting forth That his Son Noah Holbrook, a single man, inlisted into the service for the Crown point Expedition in 1756. under Capt. Dalrymple, and died on his return home; but being made up in the Roll as if living, And praying that he the petitioner may be allowed to receive the Wages due to his said Son and Forty shillings for his Gun which was lost.

Read and

Resolved, That there be allowed and paid out of y^e public Treasury to the Pet' the sum of thirteen Pounds seven shillings & three pence, being the Wages due to his said Son as made up in the Muster Roll of y^e Company he belonged to on the last Crown point Expedition. [*Passed March 20.*]

CHAPTER 380.

RESOLVE ALLOWING £3. 7 TO WILLIAM WHITE.

Legislative
Records of the
Council, xxii.,
269. Mass.
Archives,
lxxvii., 181.

Mass.
Archives,
lxxvii., 181.
House Jour-
nal, p. 340.

A PETITION of William White of Watertown; setting forth, That he went as a Soldier in the Crown point Expedition in 1756. under the Command of Capt. James Burk, but that by mistake he was made up about two Months short in the Muster Roll; And praying an Allowance therefor, and also for billeting himself before he marched and for the Expences he was at on his return by reason of Sickness.

Read and,

Resolved, That there be allowed and paid out of the public Treasury to Samuel Livermore Esq^r for the use of the Petitioner the sum of Three pounds seven shillings in Consideration of his Expence

Occasioned by his Sickness on his Return home, & of the Balance due to Him for Wages, on the last Crown Point Expedition. [*Passed March 20.*]

CHAPTER 381.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROCURE BLANKETS.

Voted That the Commissary General be directed forthwith to procure a suitable number of good Blankets for the Forces proposed to be raised by this Government for the intended Expedition against Canada. [*Passed March 21.*]

Legislative
Records of the
Council, xxii.,
270.

House Jour-
nal, p. 365.
Ante, p. 153,
chap. 353.

CHAPTER 382.

ORDER ALLOWING £13. 7. 6½ TO WILLIAM WINTER.

A PETITION of William Winter of Boston, setting forth That In June, 1748. he had One hundred and Seventy pounds province Bills stolen from him as he apprehends by a Servant Maid, who being charged therewith suddenly absconded: that a few Weeks since he found in his house £100.6.8 of said province Bills which he believes to be part of the Bills stolen from him as aforesaid, And praying that they may be exchanged at the Treasury; the time by Law limited for the redemption of the same being elapsed notwithstanding.

Read and

Ordered, That the Prayer of this Petition be granted; And That the Treasurer be and he hereby is directed to pay the Petitioner the sum of thirteen Pounds seven shillings and six pence half peny, for one hundred Pounds six Shillings and eight pence in Bills of Credit on this Province of the Old Tenor, on the Petitioners delivering to the said Treasurer the said sum in Old Tenor province Bills or in other Bills of this province equivalent. [*Passed March 21.*]

Legislative
Records of the
Council, xxii.,
270. Mass.
Archives, ciii.,
632.

Mass.
Archives, ciii.,
631. House
Journal,
pp. 366, 367.
Province
Laws, iii., 555,
chap. 24.

CHAPTER 383.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the publick Treasury to Moses Marcy Esq^r for the use of Ebenezer Wallis, Three pounds fifteen shillings; To Capt. Henry King for the use of William Pulsipher Five pounds four shillings; To M^r Richard Bailey for the use of George Forest Thirty shillings; To M^r Jonathan Doane for the use of Hannah Lewis, Four pounds sixteen shillings and eight pence; And to M^r Fellows Billings for the use of Seth Lyman Four pounds being in full Consideration of the Expences in their petitions mentioned. [*Passed March 21.*]

Legislative
Records of the
Council, xxii.,
272.

Mass.
Archives,
lxxvii., 11, 12,
149, 275, 327.
House Jour-
nal, pp. 304, 368.

CHAPTER 384.

ORDER DIRECTING ENOCH FREEMAN, ESQ^R, TO PAY SIMON GOOKIN
AND OTHERS AMOUNTS DUE THEM.

Legislative
Records of the
Council, xxii.,
273. Mass.
lxxvii., 347.

Legislative
Records of the
Council,
xxi., 4. House
Journal,
pp. 263, 368.

A PETITION of Simon Gookin and others Under Officers and Soldiers employed in transporting Stores to Fort Halifax in 1755 under Capt. Joseph Ingersoll, setting forth That the said Captain having received their Wages of the province Treasurer had deposited the same with Enoch Freeman Esq^r of Falmouth who refused to pay the same unless to a great disadvantage, and finally refused to pay the same at all; And praying Relief.

Read and

Ordered, That the Prayer of this Petition be so far granted, as That Enoch Freeman Esq^r be and hereby is Directed to pay to the Complainants the several Sums respectively due to them, on Cap^t Joseph Ingersoll's Muster Roll mentioned, together with the Interest due thereon. [*Passed March 22.*]

CHAPTER 385.

VOTES IMPOWERING THE PROVINCE TREASURER TO ADMINISTER
OATHS TO SOLDIERS IN REGARD TO THE RETURN OF THEIR ARMS.

Legislative
Records of the
Council, xxii.,
273.

House Jour-
nal, pp. 370, 371.
Ante, p. 89,
chap. 199.

WHEREAS by the order of this Court passed the first December last, directing the several Officers in the late Expedition under the Command of his Excellency the Earl of Loudoun in making up their several Muster Rolls to charge each Soldier that did not return his Arms and Accoutrements thereto belonging, two pounds ten shillings to be deducted out of the Soldiers Wages, unless such Soldier make it evident by his own Oath or the Oaths of some other persons that such Arms were inevitably lost or detained by lawful Authority, but no direction who shall Swear Such Soldier Therefore

Voted That the Province Treasurer be impowered and directed in paying off the Soldiers to Adminster the Oath to them, and the several Justices of the peace in the province upon Application made to them are likewise impowered and directed to Administer the Oath to said Soldiers and give Certificate of the same free of charge, or the Town or District Clerk where there is no Justice of the peace, And that the province Treasurer be directed to pay the Soldiers upon receipt of such Certificate without deduction for Arms &c And that the Parents, Masters and proper Representatives of such Soldiers as died in the Expedition, were taken Captive, or are since dead upon their making it evident by the Oath of Witnesses or Swearing that they have not received such Soldiers Arms, but verily beleive they were lost or returned to the Officers; the said Treasurer is hereby directed to pay such Parents Masters and proper Representatives the Wages due on the several Muster Rolls without any deduction for Arms And further

Voted That the province Treasurer and others impowered to Swear the said Soldiers be directed to require of them to give an Account upon Oath, whether the Guns they carried into the said Service were the Kings Arms, their own, or received of the province. [*Passed March 22.*]

CHAPTER 386.

VOTE ALLOWING POWDER & LEAD TO SOLDIERS IN GARRISON AND SCOUTING.

Voted, That each Garrison Soldier in pay of this Province, be allowed one pound of Powder, & one pound and an half of Lead per Year; And that the scouting Parties on the Frontiers be allowed each man one pound and an half of Powder, and two pounds of Lead per year, in order to the Soldiers being properly exercised, and their Arms kept in good Order: And That his Excellency the Captain General be desired to give Directions for delivering the same Accordingly. [*Passed March 22.*]

Legislative
Records of the
Council, xxii.,
274. Mass.
Archives,
lxxvii., 531.

House Jour-
nal, pp. 369, 370.

CHAPTER 387.

RESOLVE ALLOWING £15. 1. 5 TO ISAAC SEARL.

A PETITION of Seth Hudson and others of a place called West Hoosuck; praying that the Reimbursement of the Expence they have been at in procuring a quantity of powder and Lead for the defence Of the place against the Enemy, and that they may be further allowed such military Stores as may be thought necessary.

Read and

Resolved, That the Prayer of this Petition be so far granted, as That there be granted and paid out of the public Treasury to the said Isaac Searl, the sum of fifteen Pounds one shilling and five pence, in full for the Powder and Lead mentioned, which he supplied the Garrison at West Hoosuck with, and delivered to Seth Hudson, the said Hudson to be Accountable therefor. [*Passed March 22.*]

Legislative
Records of the
Council, xxii.,
274. Mass.
Archives,
lxxvii., 519.

Mass.
Archives,
lxxvii., 519.
House Jour-
nal, pp. 359, 360,
369. *Supra*,
chap. 386.

CHAPTER 388.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

WHEREAS sundry Grants or Allowances were made by the two Houses in April last for the Use of divers persons or their legal Representatives on Account of Services Expences or Sufferings in the Crown point Expedition, which Orders having passed the two Houses soon after the late Lieutenant Governors Death, were not compleatly signed by a Majority of his Majesty's Council.

Resolved That the province Treasurer be directed to pay the several Allowances aforesaid as Specified in the said Orders respectively Viz^t

On the 16 April; To William Wood Five pounds six shillings & 8^d

On the 19 April; To John Jones Two pounds five shillings & four pence

On the same day, To Capt. Phineas Lovet for the use of Hannah Thayer Mother of Oliver Thayer Four pounds two shillings and eight pence for Expences and his full Wages, his Gun not being returned notwithstanding.

Legislative
Records of the
Council, xxii.,
275.

Mass.
Archives,
lxxvi., 336, 425,
503, 622. House
Journal,
pp. 367, 384.

On the 20th April, To Phillip Walker Four pounds seven shillings for the use of Timothy Walker for inlisting 58 Soldiers Three pounds Nineteen shillings and eight pence for what Joseph Walker was made up short in Major House's Roll in 1756. and Thirty nine shillings for sundry persons finding their own Guns.

On the 22^d April; To Moses Marcy Esq^r for the use of John Rice Three pounds; To Capt. Ithamar Hubbell for the use of Miriam Olds thirteen shillings and six pence; To Capt. Phineas Lovett for the use of Uriah Thayer Forty shillings; To Capt. Ephraim Spaulding for the use of Timothy Clement Thirty shillings; To M^r Samuel King for the use of Edward Cobb Twenty four pounds two shillings and eleven pence; To John Worthington Esq^r for the use of William Brown Six pounds one shilling, and for the use of William Stebbins Forty one shillings and eight pence; To Joseph Gerrish Esq^r for the use of Daniel Barker Forty shillings; To Capt. Nathaniel Sumner for the Use of Timothy Draper, Five pounds four shillings; And to Capt. Ithamar Hubbell for the use of Samuel Shears, Thirty shillings. [*Passed March 22.*]

CHAPTER 389.

ORDER IMPOWERING JON^A LOW, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
276.

House Jour-
nal, pp. 317, 326.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Jonathan Low, Executor of the Testament of Jonathan Cogswell Esq^r late of Ipswich deceased, setting forth, That the debts against the Estate Amount to One hundred Fifty two pounds twelve shillings and four pence half penny, more than all the personal Estate of said deceased will pay; And praying he may be empowered to Sell so much of the deceaseds Real Estate as will Satisfy the said debts.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner be and hereby is allowed in his said Capacity of Executor to make Sale of so much of the deceaseds Estate as will Amount to the Value of One hundred fifty two pounds twelve shillings and four pence half penny; he observing the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of probate for the County of Essex that the produce of said Sale be applied for the payment of the just debts of the deceased, the Overplus (if any there be) to be applied for the benefit of the Heirs of the deceased, according to Law. [*Passed March 22.*]

CHAPTER 390.

VOTE ALLOWING 6^d PER DAY FOR SUBSISTENCE OF SOLDIERS FROM DATE OF ENLISTMENT TO RECEPTION OF THE KING'S ALLOWANCE.

Legislative
Records of the
Council, xxii.,
276.

Legislative
Records of the
Council, xxii.,
255. House

WHEREAS it appears to be his Majesty's pleasure that the Forces now proposed to be raised shall be victualled at the Charge of the Crown from the time of their Engaging in the Service; but no express direction is given in what manner they shall be furnished until their Arrival at the place of Rendezvous; and it being neces-

sary in order to encourage such Inlistment that such Subsistence should be advanced until Orders can be received from the General of his Majesty's Forces Therefore

Voted That each Soldier who shall inlist into the Service on the proposed Expedition against Canada, and shall pass Muster, shall be intitled to Six pence Sterling ~~p~~ day for Subsistence from the time of his Inlistment, till he Arrive at such place where he shall receive the Kings Allowance. [*Passed March 22.*]

Journal, pp. 350, 358, 374, 378. Province Laws, iv., 136, note.

CHAPTER 391.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO EBEN^R NORCUTT.

A PETITION of Ebenezer Norcutt of Middleborough, setting forth That he was a Soldier in the late Crown point Expedition and that his Gun was left with other province Stores at the Hospital near the Half Moon with the Overseer, notwithstanding which there is a deduction of Four pounds from his Wages on Account of his Gun not being returned; And praying Relief.

Read and

Ordered, That the Treasurer be directed to pay the Petitioner the four pounds stopped out of the Wages due to him on the last Crown point Expedition, on Account of his Arms not being returned. [*Passed March 22.*]

Legislative Records of the Council, xxii., 277. Mass. Archives, lxxvii., 386.

Mass. Archives, lxxvii., 386. House Journal, pp. 370, 373. Province Laws, xv., 695, chap. 416.

CHAPTER 392.

VOTE DIRECTING OFFICERS RECEIVING BOUNTY MONEY FOR DISBURSEMENT TO GIVE BOND.

Voted That all Officers who in consequence of their having beating Orders shall receive out of the publick Treasury any Sum or Sums of Money for the Bounty allowed by this Government to such as shall inlist into the service on the proposed Expedition for the Reduction of Canada shall give bond to the Treasurer with one or more Sureties to be accountable for what they shall receive, and that they account for the same, and repay into the province Treasury any ballance that may remain in their hands on or before the first of May next and that this be part of the Condition of their Bond. [*Passed March 23.*]

Legislative Records of the Council, xxii., 279.

House Journal, p. 378. *Ante*, p. 160, chap. 370.

CHAPTER 393.

VOTE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF SUFFOLK.

THE COMMITTEE appointed to farm out the duty of Excise on Tea Coffee and China Ware for the County of Suffolk made Report, that they had sold the same to M^r William Story for Six hundred & fifty pounds lawful money, and had taken Bond according to Law.

Read and Accepted. [*Passed March 23.*]

Legislative Records of the Council, xxii., 279.

House Journal, p. 375. *Ante*, p. 120, chap. 262.

CHAPTER 394.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF YORK AND ALLOWING £3. 0. 4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
279.

House Jour-
nal, p. 379.
Ante, p. 122,
chap. 270.

THE COMMITTEE appointed to farm out the duty of Excise on Tea Coffee and China Ware for the County of York made Report that they had Sold the same to M^r James Sayward for Forty pounds four shillings And had taken Bond according to Law, and presented an Account of the Expence attending the same.

Read and Accepted and

Resolved That there be allowed and paid out of the publick Treasury to the said Committee the sum of Three pounds and four pence in discharge of their Account of time and expences exhibited. [*Passed March 23.*]

CHAPTER 395.

VOTE DIRECTING THE SECRETARY TO DESIRE M^r AGENT BOLLAN NOT SUDDENLY TO LEAVE GREAT BRITAIN.

Legislative
Records of the
Council, xxii.,
280.

Legislative
Records of the
Council, xxii.,
226. House
Journal, p. 375.

WHEREAS divers affairs of great Importance relative to this province contrary to expectation still continue Undetermined in Great Britain, and there is great probability that it will be necessary very soon to Sollicit other Affairs of great Moment there.

Therefore

Voted That the Secretary write to M^r Agent Bollan, and acquaint him that it is the desire of the Court that he would not suddenly leave Great Britain any thing in the Letter from the Secretary of 24 January last to the contrary notwithstanding. [*Passed March 23.*]

CHAPTER 396.

VOTE ALLOWING CAPT. JOHN BURK AND OTHERS EIGHT DAYS ADDITIONAL WAGES FOR COMPLETING MUSTER ROLLS.

Legislative
Records of the
Council, xxii.,
280. Mass.
Archives,
lxxvii., 530.

Mass.
Archives,
lxxvii., 529.
House Jour-
nal, pp. 375, 380.
Ante, p. 89,
chap. 199.

A PETITION of Capt. John Burk and others praying that they may receive some further Allowance for making up their Muster Rolls on Account of the Extraordinary Charges attending the same.

Read; And [disposed of as follows]

Whereas divers Captains or Chief Officers of the several Companies raised by this Province the last Year under the Command of his Excellency the Earl of Loudoun are directed to make up two Pay Rolls for such Companies, and the Allowance already granted by this Court being insufficient to pay their Expences while employed in Making up said Rolls: Therefore

Voted, That such Captains or Chief Officers be allowed Wages for eight days over and above what hath been Already been¹ Allowed them in Order to enable them to Compleat such Rolls. [*Passed March 23.*]

¹ *Sic.*

CHAPTER 397.

RESOLVE ALLOWING THE ACCOUNT OF GUARDIANS OF MASHPEE INDIANS.

THE GUARDIANS of the Mashpee Indians having presented their Accounts for four years past in which time their Receipts including £3.16.2 Ballance of their former Account amounted to £130.18.11 and their disbursements to £121.17.9½ leaving a Ballance in their hands of £9.1.1½

Read and

Resolved, That this Account be Allowed; and that the Balance thereof being Nine pounds One Shilling and a peny half peny, the said Guardians be further Accountable to the said Indians for.
[*Passed March 24.*]

Legislative
Records of the
Council, xxii.,
282. Mass.
Archives,
xxxiii., 34.

House Jour-
nal, pp. 363, 382.
Province
Laws, xv., 110,
chap. 256.

CHAPTER 398.

RESOLVE ALLOWING £7.4 TO TIM^O BURBANK.

A PETITION of Timothy Burbank; praying an Allowance of his Expences Eleven days billeting himself and a number of Men raised by him for the Crown point Expedition in 1756.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of Seven Pounds four Shillings in Consideration of His Expences mentioned, it appearing That three pounds two shillings in part of the said Expence, has been Already paid to Cap^t John Wright. [*Passed March 24.*]

Legislative
Records of the
Council, xxii.,
282. Mass.
Archives,
lxxvii., 516.

House Jour-
nal, pp. 361, 362,
373. Province
Laws, xv., 717,
chap. 467.

CHAPTER 399.

ORDER GRANTING TO JAMES DAGGETT LICENCE TO KEEP AN INN.

A PETITION of James Daggett of Rehoboth; setting forth that he hath purchased an House in said Town, which has for divers years past been improved as a Tavern, and was licensed as such the present year; And praying that the Court of General Sessions of the peace for the County of Bristol may be impowered to grant him a Licence for an Innholder during the remaining part of this Year.

Read and

Ordered That the Prayer of this Petition be so far granted, as that the Justices of the Court of General sessions of the Peace for the County of Bristol at their session in April Next at Taunton upon Adjournment be And they hereby are impowered to grant the Petitioner a Licence (if they see fit) to keep an house of public Entertainment in the Town of Rehoboth, he first Obtaining the Approbation of the select Men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed March 24.*]

Legislative
Records of the
Council, xxii.,
285. Mass.
Archives, cxl.,
410.

House Jour-
nal, p. 376.

CHAPTER 400.

ORDER IMPOWERING WM LAWRENCE, ADM^r, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
286.

House Jour-
nal, p. 352.
Province
Laws, ii., 151,
chap. 10.

A PETITION of William Lawrence Esq^r of Groton Administrator of the Estate of Jonathan Shead late of Pepperrell deceased whose Estate is represented Insolvent; praying liberty to Sell Seventeen Acres of Land lying in pepperrell aforesaid, being the whole of the deceaseds Real Estate, excepting his House and three Acres of Land, which was set off to the Widow as her Dower, that he may so far as the proceeds will Amount to, be enabled to discharge the deceaseds Debts.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner be and he is hereby authorized and impowered in his said Capacity to make Sale of the Seventeen Acres of Land mentioned in the petition and to give and execute a good and sufficient deed or deeds of the same, He first giving due caution to the Judge of probate for Middlesex to apply the proceeds of such Sale for payment of the deceaseds just debts, and to be accountable to said Judge for his proceedings in the premisses, and for the Application of the Overplus of the produce of such Sale (if any be) agreeable to Law; He likewise giving Notice previous to such Sale in time and manner as the Law touching the Sale of Real Estates by Executors and Administrators doth direct. [*Passed March 25.*]

CHAPTER 401.

VOTE DIRECTING THE PROVINCE TREASURER TO EXCHANGE PROVINCE
BILLS OF CREDIT.

Legislative
Records of the
Council, xxii.,
286. Mass.
Archives, ciii.,
639.

House Jour-
nal, p. 387.

Voted, That the Treasurer be and hereby is directed to pay to Stephen Greenleaf Esq^r the Sum of Seven pounds twelve shillings and one peny half peny for fifty Seven pounds one Shilling in Bills of Credit on this Province of the Old Tenor on his delivering to the said Treasurer the said Sum in province Bills of the Old Tenor, or in other Bills on this Province equivalent, if on Examination he shall find the same to be true Bills. [*Passed March 25.*]

CHAPTER 402.

RESOLVE EXEMPTING THE INHABITANTS OF ROAD TOWN FROM PAY-
MENT OF ALL TAXES HITHERTO IMPOSED ON THEM, &c.

Legislative
Records of the
Council, xxii.,
287. Mass.
Archives,
cxvii., 386.

Mass.
Archives,
cxvii., 383–386.

A MEMORIAL of Abraham Hill in the name and at the desire of the Inhabitants of Road Town in the County of Hampshire, setting forth, That both the Province and County Treasurers have issued their Warrants directed to the Selectmen or Assessors of the Town or District of Road Town for the levying and Assessing divers Sums on the Inhabitants of said place, although it is neither a Town

or District; That they have no Town or District Officers, nor any right to have such, and are withal very few and generally very poor Therefore praying that the past Taxes may be remitted them, and that they may be excused from province and County Taxes for some time yet to come, until they shall be better able to support the burthen.

House Journal, pp. 360, 388.

Read, and

Resolved, That the Prayer of this Memorial be so far granted, as the Inhabitants of said Township of Road Town be, and they hereby are exempted and released from paying any of the Taxes that have hitherto been imposed on them either to the Province or County, But for the future, That they be subjected to pay Such Taxes as shall be imposed on them. [*Passed March 25.*]

CHAPTER 403.

RESOLVE ALLOWING £6 TO JOHN HAWKS.

A PETITION of John Hawks, setting forth that in April last upon receiving Intelligence that a Body of the Indian Enemy were coming upon the Frontiers of the province he appointed two men to carry the Account to Fort Massachusetts, That one of said Men was Wounded in the Service, and one of the Horses on which they rode, killed by the Enemy; And praying an Allowance for said Horse.

Legislative Records of the Council, xxii., 289. Mass. Archives, lxxvii., 259.

Read and

Resolved, That there be allowed and paid out of the Public Treasury to the Petitioner the sum of Six Pounds in full consideration for the loss of the Horse mentioned. [*Passed March 25.*]

Mass. Archives, lxxvii., 259. House Journal, pp. 372, 381.

CHAPTER 404.

VOTES DIRECTING THAT THE SNOW-SHOES BELONGING TO THE PROVINCE BE PUT IN GOOD REPAIR, &c.

WHEREAS it has been represented to this Court That there are a Number of Snow Shoes belonging to the Province, in the Hands of Elijah Williams Esq^r, which may be wanted for the use of Such as may be employed for the Protection & Defence of the Western Frontiers:

Legislative Records of the Council, xxii., 289. Mass. Archives, lxxvii., 535.

Voted, That the said Williams be directed to take Care, that the said Snow Shoes be forthwith put into good repair for the use of y^e Province And there being a Number of Snow Shoes in the Hands of Enoch Freeman Esq^r at Falmouth in Casco Bay further

House Journal, p. 390. Province Laws, xv., 680, chap. 388.

Voted, That Edward Milliken Esq^r be directed to receive the same of the said Freeman, and take Care that they be deposited in Narraganset Numb^r one, Goreham-Town and North Yarmouth, as he Shall judge most Convenient.¹ [*Passed March 25.*]

¹ Adjourned to April 18. See Legislative Records of the Council, xxii., 290.

CHAPTER 405.

ORDER GRANTING TO THOMAS HOLMES LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
293. Mass.
Archives, cxi.,
412.

Mass.
Archives, cxl.,
411. House
Journal, p. 396.

A PETITION of Thomas Holmes of Marshfield, setting forth That he hath moved into an House which hath for some time past been occupied as a Tavern, and hath obtained the Approbation of the Selectmen of said Town to keep a Tavern therein, and praying that the Court of General Sessions of the peace to be holden at plymouth on the third Tuesday of May next may be impowered to grant him a License for that purpose; the time for granting Licenses being elapsed notwithstanding.

Read and

Ordered, That the Prayer of this Petition be granted, and That the Justices of the Court of General sessions of the peace for the County of Plymouth, be, and they hereby are impowered at their Next Term to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment in the Town of Marshfield, he having Obtained the Approbation of the Select Men of said Town for that purpose, the Time for granting Licenses being elapsed notwithstanding. [*Passed April 19.*]

CHAPTER 406.

VOTE AND RESOLVE ADJOURNING THE COURTS OF PLYMOUTH COUNTY AND THE SUPERIOR COURT OF BARNSTABLE COUNTY AND THE COUNTY OF DUKES COUNTY.

Legislative
Records of the
Council, xxii.,
293.

House Jour-
nal, p. 399.
Province
Laws, iii., 1050,
chap. 38.

Voted and

Resolved That the Superiour Court of Judicature Court of Assize and General Goal delivery, instead of being held at plymouth for the County of Plymouth on the last Tuesday of April in this present Year, shall be held at said plymouth for the same County on the second Tuesday of May next and not before; and then and there shall and may proceed to hear and try all Causes and enter up Judgment in the same manner as if it was the time fixed by Law for such matters and all Appeals processes and Matters that by Law ought to have come before or been entred in said Court on the said last Tuesday of April in this year are hereby adjourned and continued over to said Second Tuesday of May next, and shall have then day in said Court accordingly. And that the said Superiour Court instead of being held at Barnstable in the County of Barnstable for the Counties of Barnstable and Dukes County on the first Tuesday of May next in this present Year shall be held at said Barnstable for the same Counties on the first Wednesday of May next in this present Year and not before, and then and there shall and may proceed to hear and try all Causes and enter up Judgment in the same manner as if it was the time stated by Law for such Matters, and all Appeals, processes and Matters that by Law ought to have come before, or been entred in said Court on the first Tuesday in May next are hereby adjourned over to said first Wednesday of May next for this present Year, and shall have then day in Court accordingly. [*Passed April 19.*]

CHAPTER 407.

ORDER GRANTING TO ABNER LELAND LICENCE TO KEEP AN INN.

A PETITION of Abner Leland of Medford, setting forth That he had lately hired an House in said Town, which hath for Thirty years past been improved as a Tavern, And praying that the Court of General Sessions of the peace for the County of Middlesex may be empowered to grant him a License for that purpose.

Legislative
Records of the
Council, xxii.,
294. Mass.
Archives, cxi.,
417.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the peace now holden at Charlestown for the County of Middlesex, be, and they hereby are empowered to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment in the Town of Medford, He first Obtaining the Approbation of the Select Men of said Town, the Time for granting Licences being elapsed Notwithstanding. [*Passed April 19.*]

Mass.
Archives, cxi.,
416. House
Journal, p. 398.

CHAPTER 408.

VOTE CONFIRMING ASSESSMENTS AT SHERBURN FOR THE YEAR 1756.

In the House of Representatives;

Whereas it is represented to this House that the Assessors chosen for Sherburn on the Island of Nantucket for the year. 1756. were not Sworn or Affirmed as prescribed by Law within seven days after they were chosen, although they were regularly chosen, and Sworn or Affirmed before said Taxes were made from which great difficulties are like to arise and many Law Suits by reason said Assessors were not Sworn or Affirmed within the time limited by Law.

Legislative
Records of the
Council, xxii.,
295.

House Jour-
nal, p. 401.

Voted That the said Assessment made by the said Assessors for the year. 1756. be and are hereby declared good and valid in Law to All Intents and purposes as it would have been had the said Assessors been Sworn or Affirmed within seven days from their being chosen.

In Council; Read and Concurred. [*Passed April 20.*]

CHAPTER 409.

ORDER GRANTING TO MARY KNOX LICENCE TO SELL STRONG DRINK.

A PETITION of Mary Knox; praying that in the Absence of her Husband the Court of General Sessions of the peace may be empowered at their Adjournment on the eleventh of May next to grant her a License to retail Strong Liquors at her house in Sea Street in Boston; She having obtained the Approbation of the Selectmen for that purpose as by their Certificate annexed.

Legislative
Records of the
Council, xxii.,
296. Mass.
Archives, cxx.,
236.

Mass.
Archives, cxx.,
235. House
Journal, p. 402.

Read &

Ordered that the prayer of this Petition be Granted and that the Justices of the Court of General Sessions of the Peace for the County

of Suffolk be, & they hereby are Impowered at their next Sitting by Adjournment on the eleventh Day of may next to Grant the Pet^r a Licence (if they see fit) to Retail Strong Liquors in small Quantities in the Town of Boston, she having obtained the approbation of the Select men of said Town for that purpose the time for granting Licences being Elapsed notwithstanding. [*Passed April 20.*]

CHAPTER 410.

ORDER GRANTING TO HENRY ATKINS, JUN^R, LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxii.,
296. Mass.
Archives, cxx.,
238.

Mass.
Archives, cxx.,
237. House
Journal, p. 402.

A PETITION of Henry Atkins jun^r praying that the Court of General Sessions of the peace for the County of Suffolk may be impowered at their Adjournment on the 11th May next to grant him a License to retail Strong Liquors in small Quantities at his House in Fish Street in Boston; He having obtained the Approbation of the Selectmen for that purpose as by their Certificate Annexed.

Read &

Ordered that the Prayer of this Petition be Granted, and that the Justices of the Court of General Sessions of the Peace for the County of Suffolk be and they hereby are Impowered at their next Sitting by Adjournment on the eleventh Day of may next to Grant the Pet^r a Licence (if they see fitt) to Retail Strong Liquors in small Quantities in the Town of Boston, he having obtained the approbation of the Select men of said Town for that purpose, the time for Granting Licences being Elapsed notwithstanding. [*Passed April 20.*]

CHAPTER 411.

VOTE THAT THE TIME FOR INLISTMENT OF THE LEVIES FOR THE INTENDED EXPEDITION AGAINST CANADA BE EXTENDED, &c.

Legislative
Records of the
Council, xxii.,
297.

House Jour-
nal, p. 406.
Ante, p. 153,
chap. 353.

Voted That the time for raising the intended Levies for the Expedition against Canada by Inlistment be lengthned out upon the same Bounty 'till the second day of May next, and in case the number of Forces voted to be raised by this Government shall not be completed by four o'clock in the afternoon on said day; That his Excellency the Captain General be desired to give Orders for making up the Deficiency by an Impress. [*Passed April 21.*]

CHAPTER 412.

ORDER ALLOWING £2. 13. 4 YEARLY TO THO^S HUTCHINSON, ESQ^R, WHILE IN CHARGE OF FRENCH NEUTRALS.

Legislative
Records of the
Council, xxii.,
297. Mass.
Archives,
xxiv., 30.

A MEMORIAL of Thomas Hutchinson Esq^r setting forth That in the year. 1756. he undertook with leave of the Court the care of a number of the French late Inhabitants of Nova Scotia, and has still ten of them under his care, That by encouraging them to

labour they have been supported without any Charge to the province, except some small Expence for a Doctor, and the Hire of a House for them to dwell in, whereby there has been a saving of One hundred pounds which these people would in proportion to the rest have otherwise cost for their Support That he is Still willing to continue his care of them; And praying that for the time to come House Rent not exceeding 53/4 ^p Annum may be allowed or that they may be put under the Care of the Selectmen.

Read and

Ordered, That the Prayer of this Memorial be granted; And that there be allowed to be paid out of the public Treasury to the Memorialist the sum of Two pounds thirteen shillings and four pence Yearly, for providing the french People mentioned with an House to dwell in, for the future, during the Time he shall have the said People under his Care. [*Passed April 21.*]

Mass.
Archives,
xxiv., 29.
House Jour-
nal, p. 407.
Province
Laws, iv., 98,
note; xv., 598,
chap. 168.

CHAPTER 413.

VOTE IMPOWERING THE SELECTMEN OF KINGSTON TO CALL A TOWN MEETING.

A PETITION of Nicholas Sever Esq^r and others Inhabitants of Kingston; setting forth that at the Meetings warned for the choice of Town Officers in March last, the Constable who warned the Meeting made no return of his Warrant, notwithstanding which some of the Inhabitants (among whom some persons not qualified by Law were allowed to vote) proceeded to chuse Town Officers, but having not been warned to take their Oaths, they are at present destitute of Town Officers; And praying that the Selectmen may be impowered to issue another Warrant for the choice of Town Officers, for the year ensuing or grant such other Relief as shall be judged proper.

Read and Whereas it appears to this Court That the proceedings of the Inhabitants of the Town of Kingston at their Meeting in March last as within mentioned were illegal. Therefore

Voted That the Selectmen of said Town be and they are hereby authorized and impowered to issue their Warrant to the Constable of said Town to Notify the Inhabitants qualified by Law to meet at such time as they shall see fit to appoint to chuse Town Officers for the year ensuing; And that the choice that shall be made at such meeting of the Inhabitants legally Warned and assembled, shall be deemed and hereby is declared good and valid In Law to all intents and purposes, and that all Town Officers so chosen shall be subjected to the same penalties, and when duly Sworn into their respective Offices shall be held to the same duty, and all their proceedings therein (in other respects legal) shall be deemed and hereby are declared as good and valid in Law, as if they had been chosen in the Month of March last agreeable to Law. [*Passed April 21.*]

Legislative
Records of the
Council, xxii.,
298.

House Jour-
nal, pp. 400, 404,
405.

CHAPTER 414.

ORDERS IMPOWERING GUARDIANS OF PUNKAPOAG INDIANS TO SELL LAND AND DIRECTING THEM TO COLLECT FROM ABUTTORS THEIR PROPORTION OF EXPENSE OF SAID SALE.

Legislative
Records of the
Council, xxii.,
300. Mass.
Archives,
xxxiii., 40.

Mass.
Archives,
xxxiii., 38.
House Jour-
nal, p. 446
(April, 1757);
pp. 29, 51, 154,
155, 401, 409, 410.
Province
Laws, i., 93,
chap. 41; xv.,
238, chap. 171;
287, chap. 302;
615, chap. 215.

WHEREAS it appears by the Accounts presented to this Court by the Guardians of the Punkapog Indians, that there is due from the said Indians to their said Guardians and others the Sum of £16.13.5½ agreeable to the Schedule annexed ¹ (exclusive of £4.6.8 the Amount of Doctor Samuel Gardner's Account which being loose and not well vouched is not at present allowed) and also the further Sum of £5.13.5 as their Part of the Charges of taking a Survey of their Lands by Order of the General Court passed the 19th of October 1756, amounting in the whole to £22.6.10½; which Debts the said Guardians have no Money belonging to said Indians whereby they can be discharged: and whereas it appears by the Plan returned to this Court, that the said Indians are possessed of 710¾ Acres of Land; Part of which must be sold in order to enable the said Guardians to discharge the said Debts; For this End, and also more comfortably to provide for the said Indians for the future:

Ordered, That Robert Spur, and Samuel Niles Jun^r Esq^{rs} and M^r Joseph Billings, the Guardians of the said Indians be and hereby are authorized and empowered to sell three Hundred Acres of the said Indians Lands for the most the same will fetch at such Places as will be least prejudicial to the said Indians and most advantageous for Sale, the same to be in small Lotts from ten to twenty Acres and the said Guardians are hereby empowered to make Deeds of Conveyance of such Lands, which when duly executed shall be valid in Law to all Intents and Purposes whatsoever, the money arising by such Sale to be applied to the discharging the said Indians Debts aforesaid, and the Overplus, (if any there be,) to be let out on Interest by the said Guardians for the Use of the said Indians, and Security taken to them and their Successors in said Trust, the said Guardians to be accountable to the General Court for the whole of their Proceedings herein.

And Whereas by the aforesaid Order of the General Court for taking a Survey of the said Indians Lands, one moiety of the Charge thereof (which appears to be £5.13.5) was to be born by the English abutters on the said Lands; it is further

Ordered, That the said Abutters be and hereby are directed to pay their several Proportions of their said moiety as expressed in the Schedule hereto annexed; and that the said Guardians or either of them be and hereby are authorized and Impowered to Collect and Receive the same from the said English abutters in said Proportion, in the same manner and Form, and by the same Rules as the Province Taxes are Collected by the Constables or Collectors of the several Towns in this Government. [*Passed April 22.*]

¹ Mass. Archives, xxxiii., 39.

CHAPTER 415.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the publick Treasury to M^r David Wilder for the Use of Henry Haskell twenty shillings; for the use of Henry Haskell jun^r Forty eight shillings; for the Use of Jonas Wilder Five pounds ten shillings; for the Use of David Johnson, Forty five shillings and six pence, and for the Use of Uriah Holt Forty shillings and eight pence; To M^r William Stickney for the use of Sampson Crosby Three pounds seventeen shillings and four pence, for the use of John White Four pounds and for the use of Jonathan Hill Thirty six shillings and seven pence; To Joseph Buckminster Esq^r for the Use of Asahel Matthews Five pounds nineteen shillings and seven pence and for the Use of Ebenezer Boutwell Forty eight shillings; To M^r Samuel King for the Use of Josiah Smith Forty shillings; for the use of James Sherman Forty two shillings, and for the Use of Thomas Walton Thirty six shillings; To M^r Jazaniah Tucker for the use of John Glover Three pounds nineteen shillings and ten pence; To M^r Samuel Witt for the use of Richard Barnes Three pounds ten shillings; To M^r David Marsh for the use of Enoch Johnson Thirty two shillings; To M^r Richard Bailey for the use of Daniel Talbot Forty one shillings; To M^r Gideon Lyman for the use of Elisha Warner Four pounds one shilling; To Nathaniel Sumner Esq^r for the use of Samuel Rhoads Four pounds ten shillings; To M^r Fellows Billing for the use of Ithamar Read Three pounds; To Elijah Williams Esq^r for the use of Zebadiah Stebbins Four pounds ten shillings; To John Osgood Esq^r for the use of James Carlton, Three pounds; To M^r Benjamin Hills for the use of Thomas Hadley Five pounds; To Thomas Greenwood Esq^r for the use of Josiah Robinson Eight pounds eleven shillings; and to M^r Joseph Goldthwait Six pounds, being in full Consideration of the Expences in their petitions respectively mentioned. [*Passed April 22.*]

Legislative
Records of the
Council, xxii.,
301.

Mass.
Archives,
lxxvi., 699, 700;
lxxvii., 153, 183,
232, 280, 296, 304,
385, 469, 479, 482,
483, 488, 498, 526,
528, 548, 570, 593;
lxxviii., 561.
House Jour-
nal, p. 408.

CHAPTER 416.

ORDER IMPOWERING JOHN SEARS, GUARDIAN, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Sears of Yarmouth Guardian of Jonathan and Elizabeth Sears Minors, Children of Jonathan Sears late of Harwich in the County of Barnstable deceased, praying liberty to Sell two third parts of a small Dwelling house, and about three acres of Land, and also two third parts of about half an Acre of Land near adjoining, which the said Jonathan devised to his two Children aforesaid, and improve the Money arising by said Sale at Interest which he apprehends will be more for the benefit of the Concerned.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner be and hereby is enabled (in his said Capacity of Guardian) to Sell the Real Estate of the said deceased mentioned for the

Legislative
Records of the
Council, xxii.,
302.

House Jour-
nal, pp. 324, 327,
405, 412. Prov-
ince Laws, ii.,
151, chap. 10.

most the same will fetch, and to give and execute a good and sufficient deed or deeds thereof in the Law; He observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving caution to the Judge of probate for the County of Barnstable that the proceeds thereof shall be secured in order for distribution among said minors agreeable to Law. [*Passed April 22.*]

CHAPTER 417.

ORDER IMPOWERING NATH^L LOW, GUARDIAN, AND MARGARET BURNHAM, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
302.

House Jour-
nal, pp. 393, 405.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Nathaniel Low Guardian of John Burnham of Ipswich a person non Compos, and of Margaret Burnham Wife of said John, setting forth That the said John's Estate being all expended She is reduced to want, and having some Lands of her own the Income of which is insufficient for her Support and She not qualified to make Sale of the same; praying that they may be enabled to Sell of said Lands to the Amount of Thirty pounds for the Use aforesaid,

Read and

Ordered That the Prayer of this Petition be so far granted as that the petitioners Viz^t the said Nathaniel Guardian as mentioned, and the said Margaret be and they hereby are impowered to make Sale of Thirty pounds Worth of the Real Estate of the said Margaret mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds of the same; They observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators and that the Sum arising by said Sale be put into the hands of Deacon Joseph Appleton of Ipswich and by him to be applied for the Support of the said Margaret, He to account with the Executors or Administrators of the said Margaret of his proceedings herein when demanded. [*Passed April 22.*]

CHAPTER 418.

RESOLVE ALLOWING 19/2^D TO ELI PHINNEY.

Legislative
Records of the
Council, xxii.,
304. Mass.
Archives,
lxxvii., 549.

Mass.
Archives,
lxxvii., 549.
House Jour-
nal, p. 414.

A PETITION of Eli Phinney of Barnstable, praying an Allowance of his Expence in forwarding to their respective Homes two Sick Soldiers, namely George Gray and Samuel Kenny who have both died since and left nothing to pay him for his disbursements which amount to Nineteen shillings and two pence for which they gave him their Note.

Read and

Resolved that there be allowed and paid out of the public Treasury into the hands of Mr Edward Bacon the sum of Nineteen shillings and two pence, to be by him paid to the Petitioner, in Discharge of the Balance remaining due on the Note mentioned. [*Passed April 24.*]

CHAPTER 419.

RESOLVE ALLOWING £303. 18. 11 TO DEFRAY THE CHARGE OF A TRAIN OF ARTILLERY.

Resolved That there be allowed and paid out of the publick Treasury to John Wheelwright Esq^r Commissary General the sum of Three hundred and three pounds eighteen shillings and eleven pence to defrey the Charge incurred by his Excellency's Order to prepare a Train of Artillery upon the late Alarm.

And that his Excellency be desired with the Advice of the Council to give his Warrant on the Treasury for payment thereof out of the Appropriation for the Forces raised by this Province for his Majestys Service under the Command of the Right honourable the Earl of Loudoun. [*Passed April 24.*]

Legislative
Records of the
Council, xxii.,
305.

Legislative
Records of the
Council, xxii.,
171, 225, 226, 295.
House Jour-
nal, pp. 130, 239,
272, 276, 295, 301,
302, 304, 403, 418.

CHAPTER 420.

ORDER IMPOWERING JAMES WHIPPLE, JUN^R, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Whipple jun^r of Grafton Administrator of the Estate of Joshua Winchester late of said Grafton deceased; setting forth That the deceaseds Real Estate consisting of about forty Acres of Land in Grafton was Apprized at £122.13.4. That the personal Estate is insufficient to pay the debts by £31.8.6. That there are three Children under 7 Years of Age; And praying liberty to Sell the said Real Estate to pay the debts, and the remainder put on Interest for bringing up the Children.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in his said Capacity be and hereby is authorized and impowered to make Sale of the Lands therein mentioned for the most the same will fetch and to make and execute a good and sufficient deed or deeds of Conveyance thereof to the purchaser or purchasers; the petitioner observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of probate for the County of Worcester, that the produce arising by said Sale (after paying the just debts of the deceased) be put on Interest one third part of said Interest to be for the use of the Widow of the said Joshua during Life, and the other two thirds to be applied for the Bringing up said Children, and the Share of each Child in the principal Sum as they respectively come of Age to be distributed to them, as also their respective Shares in the other third after the decease of the said Widow agreeable to Law.¹ [*Passed April 24.*]

Legislative
Records of the
Council, xxii.,
305.

House Jour-
nal, pp. 338, 377.
Province
Laws, ii., 151,
chap. 10.

¹ This chapter appears again in Legislative Records of the Council as of date March 23; but the action of that date was, it seems, the action of the House only.—See House Journal, pp. 338, 377.

CHAPTER 421.

RESOLVE ALLOWING 12/ AND A FURTHER SUM OF 20/ TO JOHN PEACOCK.

Legislative
Records of the
Council, xxii.,
306. Mass.
Archives,
lxxvii., 555.

A PETITION of John Peacock, praying an Allowance for the Use of his Gun which he carried with him in the two Crown point Expeditions in 1755 and 1756. and for his Expences incurred by his returning home Sick.

Mass.
Archives,
lxxvii., 555.
House Jour-
nal, pp. 171, 196,
397, 413. Prov-
ince Laws, xv.,
367, chap. 97.

Read and

Resolved That the Prayer of this Petition be so far granted, as that there be allowed and paid out of the public Treasury to Timothy Ruggles Esq^r for the Petitioner's Use, the sum of twelve Shillings for the use of his Gun which he carried into the Service on the first Crown-point Expedition, and also the sum of twenty Shillings in consideration of his Expences in his Sickness mentioned. [*Passed April 24.*]

CHAPTER 422.

Legislative
Records of the
Council, xxii.,
306.

ORDER IMPOWERING ABIGAIL LANGDON, ADM^x, AND JAMES WILSON TO EXECUTE DEEDS.

House Jour-
nal, pp. 400, 407,
408.

A PETITION of Abigail Langdon Administratrix of the Estate of Nathaniel Langdon of Boston in the County of Suffolk deceased, and of James Wilson of the District of Spencer in the County of Worcester, setting forth, that the said Nathaniel had in his Life time contracted with the said James Wilson to convey to him a peice of Land of Three Acres & thirty Rods in said Spencer, that the same was measured off, and a deed drawn, and the said James by leave of the said Nathaniel had entered and built on the premisses; but as the said Nathaniel died without executing the deed; praying that She the said Abigail the Administratrix may be empowered to execute a lawful and sufficient deed of said Land agreeable to the Contract made with the deceased.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in her said Capacity be and hereby is authorized and impowered to make and execute a good and sufficient deed of the Three Acres and thirty Rods of Land mentioned to the said James Wilson his Heirs and Assigns, He the said James giving a good and sufficient deed to the Heirs of the said Nathaniel of the Land he was to give in exchange for the said three Acres and thirty Rods of Lands (provided he has not done it already) agreeable to the Contract made between the said James and Nathaniel in the Life time of the said Nathaniel. [*Passed April 24.*]

CHAPTER 423.

VOTE IMPOWERING WILLIAM GREGORY TO REVIEW AN ACTION.

Legislative
Records of the
Council, xxii.,
307.

A PETITION of William Gregory, shewing That at the Sitting of the General Court in December last he obtained liberty to review an Action against Joshua prebble and Abraham Prebble at the then

next term of the Superiour Court for the County of Suffolk which was in February last, but that by reason of some delays in the public Offices he was not able to get out his Writ till late, so that the Sheriff returned it without serving it; And praying that he may be enabled to review said Action at some future term of said Court.

Read &

Voted That the Prayer of this petition be so far granted as that the petitioner be and hereby is enabled to review his said Action at the Superiour Court to be held in August next for the County of Suffolk; And in case the said Joshua Prebble and Abraham prebble cannot be found so as that the petitioners Writ of Review cannot be duly served for said next term, that then the petitioner may review said Action at the Superiour Court to be held for the same County in February next, And the Superiour Court before whom this Action in pursuance of this Order shall be reviewed shall be and hereby are authorized and impowered to hear try and determine said Cause according to Right, and to enter up Judgment and award Execution accordingly, any former Judgment or proceedings thereon notwithstanding. [*Passed April 24.*]

House Journal, pp. 89, 179, 404, 412, 413.
Ante, p. 83, chap. 186.

CHAPTER 424.

VOTE ACCEPTING REPORT OF COMMITTEE FOR MAK^o FURTHER PROVISION FOR THE TROOPS.

Legislative Records of the Council, xxii., 308.

JOHN OSBORNE Esq^r from the Committee on his Excellency's Message of the 22^d Instant, made the following Report, Viz^t

That a good Knapsack and a Tin Flask or Wooden Bottle be forthwith provided for each person going in the Expedition also a Tinkettle of ten quarts with a small or light Wood Axe for each Mess. Six Men to a Mess, That a Chaplains pay be advanced Forty shillings provided he is an ordained Minister and obliged to leave his Congregation and not otherwise, And that there be allowed two Surgeons Mates instead of One.

Mass. Archives, cix., 477, 478. Legislative Records of the Council, xxii., 303, 304. House Journal, pp. 415, 419. Province Laws, iv., 140, note.
Ante, p. 160, chap. 370.

Read and Accepted. [*Passed April 24.*]

CHAPTER 425.

RESOLVE ALLOWING 40/ TO SIMEON TUPPER.

A PETITION of Simeon Tupper of Stoughton a Soldier in Major Millers Company, praying an Allowance for the time he was made up short in the Muster Roll of said Company.

Read and

Resolved, That there be allowed and paid out of the Public Treasury to M^r Richard Bailey, for the Petitioner's Use, the Sum of forty Shillings, being the Balance due to him for Wages on the last Crown point Expedition. [*Passed April 25.*]

Legislative Records of the Council, xxii., 309. Mass. Archives, lxxvii., 476.

House Journal, pp. 314, 418.

CHAPTER 426.

ORDER IMPOWERING JON^A WHEELOCK, EXECUTOR, TO SELL LAND
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
310.

House Jour-
nal, pp. 402, 403,
418. Province
Laws, ii., 151,
chap. 10.

A PETITION of Jonathan Wheelock Executor of the last Will and Testament of Daniel Thayer of Charlton in the County of Worcester deceased; setting forth That the deceased left about Sixty two Acres of Land of the Value of One hundred and twenty pounds which he gave to his four Sons all under ten Years of Age, That the deceaseds personal Estate is not sufficient to pay his debts; and the Income of the Lands so small, that it will not bring up the Children; And praying liberty to Sell the same, he to be accountable.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in his said Capacity of Executor, be and he hereby is empowered to make Sale of the Lands within mentioned for the most the same will fetch, and to make and Execute a good and sufficient deed or deeds thereof in Law; He attending the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of probate for the County of Worcester to apply the proceeds of said Sale to the payment of the deceaseds just debts: and the Overplus to be divided among his four Sons agreeable to his last Will and Testament. [*Passed April 25.*]

CHAPTER 427

ORDER ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxii.,
310.

House Jour-
nal, p. 421.
Province
Laws, iii., 726,
chap. 33.
Ante, p. 174,
chap. 406.

WHEREAS the Superiour Court of Judicature Court of Assize and General Goal delivery instead of being held at Barnstable in the County of Barnstable for the Counties of Barnstable and Dukes County on the first Tuesday of May next is by Law not to be held 'till the first Wednesday in said May, and the Inferiour Court of Common pleas and Court of General Sessions of the peace for the County of Barnstable is by Law to be held in the same County on the Second Tuesday of May next, and by reason of much other publick Business at that buisy Season of the year great Inconveniences may happen to the Inhabitants of the same County; if the Inferiour Court and Court of General Sessions of the peace should be then held for the same County. Therefore

Ordered That the Inferiour Court of Common pleas and the Court of General Sessions of the peace instead of being held at Barnstable for the County of Barnstable on the second Tuesday of May next in this present Year, shall be held at said Barnstable for the same County on the third Tuesday of September next, and not before, and the Justices of the same Court then and there shall and may proceed to hear and try all Causes, and enter up Judgment in the same manner, as if it was the time fixed by Law for such matters; and all processes and Matters that by Law ought to have come before or been entered in said Court on the second Tuesday of May in this

Year are hereby Adjourned and continued over to said third Tuesday of September next, and shall have then day in Court accordingly. [*Passed April 25.*]

CHAPTER 428.

ORDER GRANTING TO THOMAS RUDGE LICENCE TO SELL STRONG DRINK.

A PETITION of Thomas¹ Rudge of Malden in the County of Middlesex; setting forth, That having lost his Leg he is disabled from getting his Livelihood in the way of his Occupation as a Miller, And praying that the next Court of General Sessions of the peace for said County may be impowered to grant him a Licence for retailing Liquors Coffee and Tea, the time for granting Licences being elapsed notwithstanding.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General sessions of y^e Peace for the County of Midd^x be and they hereby are impowered at their next Term to grant the Pet^r a Licence, if they see fit, to retail spirituous Liquors in the Town of Malden, he first Obtaining the Approbation of the Selectmen of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed April 26.*]

Legislative
Records of the
Council, xxti.,
312. Mass.
Archives, cxi.,
415.

House Journal,
p. 425.

CHAPTER 429.

ORDER IMPOWERING SARAH BOWERS, ADM^x, TO DELIVER A DEED UNDER CONDITIONS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Bowers of Groton Widow & Administratrix of the Estate of Joshua Bowers late of said Groton deceased intestate and Guardian of her Children; setting forth That her said Husband had made a purchase of her Father Ebenezer Farnsworth of his Dwelling house and Land in Groton aforesaid in consideration whereof he became Bound to pay her said Father £26.13.4 and to provide for his Support and the Support of their Mother during their Lives; That it is impossible for her to comply with said Obligations without selling a part or the whole of said Estate, and that her parents are willing to release the Bargain; Therefore praying that She may be enabled to give up the Deed of said House and Land upon her said late Husband's Obligation's being cancelled.

Read and

Ordered That the Prayer of this petition be so far granted as that, if the Judge of probate for the County of Middlesex shall find upon his Settlement of said Bowers Estate there is enough to satisfy his debts exclusively of the House and Land mentioned in said deed, That in such case the said Sarah Bowers be and hereby is impowered to deliver said deed to Ebenezer Farnsworth upon his delivery of Joshua Bowers said Bond to her, and upon said Farnsworths Settlement [of]² the Remainder of the Estate in said deed mentioned

Legislative
Records of the
Council, xxii.,
312.

House Journal,
pp. 37, 60,
383.

¹ The House Journal, p. 425, reads, "John."

² Inserted from the House Journal, p. 383.

after his and his Wifes decease upon the Children of said Joshua Bowers and their Heirs, a double portion thereof to the Eldest Son, and that the Judge of Probate for said County Oversee and approve said Settlement. [*Passed April 26.*]

CHAPTER 430.

ORDER IMPOWERING THOMAS WHITE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
313.

House Jour-
nal, pp. 401, 425,
426. Province
Laws, ii., 151,
chap. 10.

A PETITION of Thomas White of South Hadley in the County of Hampshire Guardian of Gideon Alvord of said South Hadley, a person Non Compos; setting forth That said Gideon while of a sound mind purchased a Tract of Land in said place of about Seventy Acres, and on that and other Accounts is justly Indebted to sundry persons & having but little personal Estate, said Land is like to be taken in a course of Law by his Creditors, which will occasion much Expence; And praying that he may be empowered to make Sale of said Land, he to be Accountable for the produce.

Read and

Ordered That the prayer of this Petition be so far granted as that the petitioner in his said Capacity of Guardian be and hereby is authorized and empowered to make Sale of the Lands within mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers he observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of probate for the County of Hampshire, that the produce arising by said Sale shall be applied for the payment of the just debts of the said Gideon, and if the said Gideon shall come to be of sound mind again then the said Thomas to be accountable to him for what shall remain in his hands. [*Passed April 26.*]

CHAPTER 431.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
313.

Mass.
Archives,
lxxvi., 269, 365,
685; lxxvii.,
180, 241, 262, 297,
480, 484, 485, 486,
487, 496, 500, 544.
House Jour-
nal, p. 423.

Resolved That there be allowed and paid out of the publick Treasury to John Worthington Esq^r for the use of Elisha Ferry thirty six shillings, for the use of Moses Stebbins thirteen shillings and ten pence, and for the use of Stephen Stebbins thirty six shillings; To William Lawrence Esq^r for the use of William Nutting Four pounds five shillings and four pence, and for the Use of Benjamin Woolson Three pounds eleven shillings and eight pence; To Moses Marcy Esq^r for the Use of David Smith fifty shillings; for the Use of John Rook Forty shillings and for the Use of Peter¹ Clemens Four pounds five shillings; To Capt. James Barrett for the use of William Poole forty shillings; To Caleb Cushing Esq^r for the use of Elizabeth Wingate Three pounds ten shillings and two pence; To Mr Thomas Morey for the use of Lydia Winchell Ten pounds one shilling and five pence; To Joseph Cushing Esq^r for the Use

¹ The House Journal, p. 423, and Mass. Archives, lxxvii., 486, both read, "Phillip."

of James Otis Twenty two shillings; To Thomas Foster Esq^r for the Use of Moses Barrow and Seth Barrow Four pounds; To Michael Dalton Esq^r for the Use of John Stone Fifty three shillings and six pence; And to Captain John Brown for the Use of Oliver Seager Four pounds thirteen shillings and four pence, To Samuel White Esq^r for the Use of David Crosman Four pounds nine shillings and one penny; To Joseph Buckminster Esq^r for the Use of Daniel Evans Three pounds; To Capt. Peter Coolidge for the Use of Eli Morse Five pounds in full Consideration of the Expences in their petitions respectively mentioned. [*Passed April 26.*]

CHAPTER 432.

ORDER GRANTING TO JOHN BARTLET LICENCE TO KEEP AN INN.

A PETITION of John Bartlet of Plymouth setting forth, That he hath for divers Years past kept an House of publick Entertainment in said Plymouth, That he hath lately purchased a House well Accommodated for that business about five Rods distant from the House where he now carrys it on, And praying that the Court of General Sessions of the peace for the County of Plymouth to be holden on the third tuesday of May next may be impowered to grant him a License to carry on the business in the House he hath purchased, the time for granting Licenses being elapsed notwithstanding.

Legislative
Records of the
Council, xxii.,
314. Mass.
Archives, cxl.,
414.

Mass.
Archives, cxl.,
413. House
Journal, p. 423.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the peace for the County of Plymouth, be, and they hereby are, impowered, at their sessions in May next, to grant the Petitioner a Licence, if they see fit to give public Entertainment, at his House lately purchased in the Town of Plymouth as mentioned, provided he procure the Approbation of the Select Men of said Town, for that purpose, y^e Time for granting Licences being elapsed notwithstanding. [*Passed April 26.*]

CHAPTER 433.

VOTE ALLOWING INTEREST ON PURCHASE OF BLANKETS.

Voted That all those persons of whom the Commissary General hath purchased or shall purchase any Blankets for the intended Expedition against Canada shall be allowed Interest from this time on the several Sums that shall be respectively due to them therefor. [*Passed April 26.*]

Legislative
Records of the
Council, xxii.,
315.

House Jour-
nal, p. 423.
Ante, p. 165,
chap. 381.

CHAPTER 434.

ORDER GRANTING 190 ACRES OF LAND TO JOSEPH BARKER.

Legislative
Records of the
Council, xxii.,
315. Mass.
Archives,
lxxvii., 559.

Mass.
Archives,
lxxvii., 558.
House Jour-
nal, pp. 414, 416,
426, 427.

A PETITION of Joseph Barker setting forth That he was a Soldier in the Expedition against Crown point in the year. 1755. and being in the Battle at Lake George was so wounded that he Was left for Dead on the Field, but being carried off he recovered though with the Loss of much Blood; that he has a Bullet now lodged in his head, whereby his Sight and hearing are much impaired nor is he ever like to enjoy his former state of health; and being poor and having five Sons; praying the Compassionate Consideration of the Court.

Read and

Ordered, That in Consideration of the Petitioners extraordinary services and sufferings there be And hereby is granted to Him of the unappropriated Lands within this Province in the County of Hampshire One Hundred and Ninety Acres, to be laid out at the Charge of the Pet^r by a Skilful Surveyor, and Chain Men under Oath, in a regular Form, And a Plat thereof to be returned to this Court, for Confirmation within twelve months; The said One Hundred & ninety Acres to be, and remain to Joseph Barker, His Heirs and Assigns for ever; Provided he the said Joseph his Heirs and Assigns fulfill and Comply with the following Conditions, Viz^t that within three years next after the present War with France shall be ended, He or they shall build a good Dwelling House on the Above Granted Land, and shall Inhabit the same, the said home to be not less than sixteen feet square, and not less than seven feet between Joints, as also to fence in not less than ten Acres of Land, to break the same up or stock it with English Grass. [*Passed April 26.*]

CHAPTER 435.

VOTE APPOINTING A COMMITTEE TO DISPOSE OF BOATS.

In Council

Voted That Ezekiel Cheever Esq^r with Such as the honourable House shall join be a Committee to dispose of the Boats now lying in Charlestown; in which some French People came to this Province from the Southern Governments, and render an account of their Doings therein as soon as may be. And that Roland Cotton Esq^r be directed to render an Account of what he has done respecting those Boats which were left in the Town of Sandwich

In the House of Rep^{ts}

Read and Concurred, And James Russell Esq^r and M^r Hall are joined in the Affair. [*Passed April 27.*¹]

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 25.

Legislative
Records of the
Council, xxii.,
309. Mass.
Archives,
xxiv., 31.

House Jour-
nal, p. 430.
Province
Laws, iv., 99,
note; xv., 700,
chap. 430.

CHAPTER 436.

ORDER IMPOWERING THOMAS AND REBECCA ELLINWOOD, ADM^s, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Ellingwood and Rebecca his Wife Admin^x of the Estate of Edmund Livermore late of Sturbridge deceased former Husband of said Rebecca, of whose Estate She was Sole Administratrix setting forth, That the deceaseds personal Estate is insufficient to pay his just debts; that the Value of his Real Estate being about fifty Acres of Land, may be about One hundred thirty three pounds 6/8. That there are three Children surviving; one of them a daughter who is Married, the other two Minors, which daughter as well as the Guardians of said Minors have signified their desire to have the said Estate Sold; And praying that they may be empowered to Sell the same that they may be enabled to discharge the deceaseds debts, the Overplus to be distributed according to Law, reserving one third of the Income to her the said Rebecca as her Dower.

Read and

Ordered That the Prayer of this petition be so far granted as that the said petitioners in their Capacity of Administrators of the Estate of the said Edmund Livermore deceased, be and they hereby are empowered to make Sale of the whole of the Real Estate mentioned for the most the same will fetch, and to execute a good deed or deeds in the Law for Conveyance thereof; they observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, the proceeds whereof to be applied in the following manner, Viz^t The Income of one third thereof to be for the use of the said Rebecca during her Natural Life in lieu of her Dower or Thirds in said Estate. That after the debts of the said deceased are paid the remaining part of the other two thirds be divided among the Children of said deceased according to Law, and at the Death of the said Rebecca the said third be also divided among said Children as aforesaid, And that sufficient caution be given to the Judge of probate for the County of Worcester for applying said proceeds accordingly. [*Passed April 27.*]

Legislative
Records of the
Council, xxii.,
318.

House Jour-
nal, pp. 422, 429,
430. Province
Laws, ii., 151,
chap. 10.

CHAPTER 437.

ORDER ALLOWING £9 TO HEZ. PURRINGTON.

A PETITION of Hezekiah Purrinton of Brunswick in the County of York, setting forth, that in the Year. 1751. he was taken Captive by the Indians and carried to Canada, that he soon after obtained his liberty of his Master and returned by way of Louisbourg where Capt. Josiah Beale paid One hundred and fifty Livres for him being the price of his Redemption; And praying that he may be reimbursed the same.

Read And

Ordered, That the Prayer of this Petition be so far granted; as that there be allowed to be paid out of the Public Treasury to Nath^l

Legislative
Records of the
Council, xxii.,
318. Mass.
Archives,
lxxvii., 66.

Mass.
Archives,
lxxvii., 66.
House Jour-
nal, pp. 98, 99,
115, 429.

Dunnel Esq^r for the Petitioners Use the sum of Nine Pounds to enable him to Discharge his Note of Hand for one hundred and fifty Livres given to Cap^t Josiah Beal Which the said Josiah paid to the Intendant at Louisbourg in Order to procure the Ransom of the said Hezekiah out of Captivity as therein mentioned. [*Passed April 27.*]

CHAPTER 438.

ORDER IMPOWERING THE SELECTMEN OF LEXINGTON TO CALL A TOWN MEETING.

Legislative
Records of the
Council, xxii.,
319.

House Jour-
nal, p. 435.

A PETITION of John Clapham of Lexington, setting forth That he was chosen Constable for said Town in the year. 1757. and has Collected part of the Rates, That he is now engaged in his Majesty's Service, being Adjutant to Col^o Nichols's Regiment, and hath inlisted fifteen Men; And praying that the Selectmen of Lexington may be impowered to appoint some other person in his stead to Collect the remainder of the Taxes.

Read and

Ordered That the prayer of this petition be so far granted, as that the Selectmen of Lexington be and they hereby are impowered forthwith to call a Meeting of said Town of Lexington (if they see cause) to choose a Constable in the room of the petitioner to finish the Collecting of the Assessments committed to him; The Petitioner first returning the Assessments and Warrants for Collecting said Taxes to the said Selectmen with an Account of what part of the Taxes he has gathered and paying in the same to the several Treasurers to whom said Assessments are payable, And the Constable so chosen shall receive said Assessments with proper Warrants for Collecting and paying the same. [*Passed April 27.*]

CHAPTER 439.

ORDER DIRECTING THE PROVINCE TREASURER TO PUT IN SUIT THE BONDS OF DELINQUENT FARMERS OF EXCISE.

Legislative
Records of the
Council, xxii.,
320.

House Jour-
nal, p. 426.
Province
Laws, ii., 852,
chap. 1.

Ordered That the Treasurer of the province be and hereby is directed to put in Suit the Bonds in his hands from the Farmers of the Duties of Excise on Spirituous Liquors, and from the Farmers of the Duties of Excise on Tea, Coffee and China Ware, where such Farmers have not complied with the condition of their respective Bonds. [*Passed April 27.*]

CHAPTER 440.

RESOLVE ALLOWING £9 ADDITIONAL TO HENRY GIBBS, ESQ^r.

Legislative
Records of the
Council, xxii.,
320.

House Jour-
nal, p. 424.
Ante, p. 127,
chap. 285.

Resolved That there be allowed and paid out of the publick Treasury to Henry Gibbs Esq^r Clerk of the House the sum of Nine pounds in Addition to the Allowance already made him for his Services the current Year. [*Passed April 27.*]

CHAPTER 441.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF N. RAY THOMAS AND DIRECTING THE PROVINCE TREASURER TO CANCEL HIS BOND, ETC.

A PETITION of Nathaniel Ray Thomas of Marshfield, setting forth, That he contracted with a number of the French Neutrals to enter into his Service, the time whereof was afterwards limited by the Council to one year, and gave bond to the province Treasurer accordingly. That they are grown very uneasy and insolent, and praying that he may be discharged of any further care of them, & that his Bond may be cancelled.

The Committee on the petition of M^r Nathaniel Ray Thomas made the following Report, Viz^t

That the Bond which said M^r Thomas gave to the province Treasurer to indemnify the province and also the Town of plymouth on account of Charles Muis and family, some of the late French Inhabitants of Nova Scotia be cancelled; And that all the said French persons received by M^r Thomas be removed to the Town of Easton; and that the Selectmen of said Town receive them and employ or provide for them agreeable to the Order of this Court.

Signed, SAMUEL WATTS p^r Order.

Read and Accepted and

Ordered That the Province Treasurer cancell the Bond of the Petitioner M^r Nath^l Ray Thomas. And that the Selectmen of the Town of Easton receive; & employ or provide for, the French Persons now with M^r Thomas agreeable to the Order of this Court respecting Such. [*Passed April 28.*¹

Legislative Records of the Council, xxii., 270, 309. Mass. Archives, xxiv., 13.

House Journal, pp. 365, 415, 435. Province Laws, iv., 98, 99, note; xv., 723, chap. 484; 758, chap. 574.

CHAPTER 442.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY ONE HALF OF WAGES DUE SOLDIERS TO THEIR FAMILIES.

WHEREAS many of the Soldiers raised by this Government the last Year for his Majesty's Service under the Command of his Excellency the Earl of Loudoun are now in Captivity and the Families of sundry of them may probably stand in need of part of the Wages due to such Soldiers.

Therefore

Voted That upon any one belonging to the Family of said Soldiers, and having the Care thereof exhibiting to the province Treasurer a Certificate from the Selectmen of the Town where such Family belongs, shewing that they are Sober discreet people, and are in necessitous Circumstances, He be and hereby is directed to pay to the person presenting such Certificate one half of the Wages due to the absent Soldier as made up in the Muster Roll of the Company he belongs to. [*Passed April 28.*²

Legislative Records of the Council, xxii., 315.

Mass. Archives, lxxvii., 579. House Journal, p. 426.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 25.

² This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is April 26.

CHAPTER 443.

RESOLVE ALLOWING £11. 19. 9 TO RARNEY SACHEE.

Legislative
Records of the
Council, xxii.,
321. Mass.
Archives,
lxxvii., 562.

Mass.
Archives,
lxxvii., 560.
House Jour-
nal, pp. 413, 431.

A PETITION of Rarney Sachee of Boston; setting forth That he is a Native of France and being a protestant left his Native Country and came to New England in 1756. and inlisted into his Majesty's Service under Capt. Vail of Dedham and continued in the Service twelve Months; That being Sick when the Troops were paid off, one Peter Febro alias Peter Le Forge counterfeited an order under the hand of the petitioner and received Eleven pounds Nineteen shillings and nine pence of the province Treasurer due to him for Wages, and converted the same to his own Use; That being thus defrauded he is reduced to great distress; And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the Sum of Eleven pounds Nineteen Shillings and nine pence And that the King's Attorney General be directed to prosecute Peter Febro for the Fraud suggested in the Petition. [*Passed April 28.*¹

CHAPTER 444.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxii.,
322.

House Jour-
nal, pp. 435, 436.
Province
Laws, iii., 64,
chap. 32.

WHEREAS the Inferiour Court of Common pleas and Court of General Sessions of the peace are by Law appointed to be held at plymouth for the County of Plymouth on the Third Tuesday of May next, and it being a buisny season of the year, and the important Affairs of the Expedition calling for the Attendance of great part of the people that may have business at the said Court.

Ordered That the said Inferiour Court of Common pleas and Court of General Sessions of the peace which by Law are appointed to be holden at Plymouth aforesaid be and hereby are adjourned to the last Tuesday of September next, to be held at the Court house in said Town of Plymouth at ten of the Clock in the Forenoon of said day; And all pleas, Writs, Actions, Suits Complaints, Processes, Precepts Recognizances, and all other things whatsoever returnable, and having day or days in said Courts shall stand abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all Intents and purposes whatsoever, as if such Courts had been held and kept at the day appointed by Law for holding the same. [*Passed April 28.*

¹ This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is April 27.

CHAPTER 445.

VOTE ALLOWING £23. 10 TO CAPT. JOHN WHIPPLE.

WHEREAS a Grant was made by the House of Representatives in their last Session in 1757, to Cap^t John Whipple of Ipswich the Sum of Twenty three Pounds ten shillings for the paying certain Billetting &c^a due to Several persons, which Grant was Concurred by the Council, but happened not to be consented to: Wherefore

Voted, That the said Grant of twenty three pounds ten Shillings be, and it is hereby revived, and the money ordered to be paid into the Hands of John Choate Esq^r by him to be paid to the said Whipple for the use of those persons to whom it is due. [*Passed April 28.*]

Legislative
Records of the
Council, xxii.,
322. Mass.
Archives,
lxxvii., 582.

Legislative
Records of the
Council, xxi.,
518. House
Journal, p. 433.

CHAPTER 446.

RESOLVE ALLOWING £2. 13. 4 TO JOHN STACEY.

A PETITION of John Stacey of Sturbridge; setting forth That he inlisted in the Crown point Expedition in 1755 and 1756. and was Thereby intitled to half pay during the intermediate Space, but the same was not made up in the Muster Roll; And praying Relief.

Read and

Resolved That there be allowed and paid out of the public Treasury to Moses Marcy Esq^r for the use of the Petitioner the sum of two pounds thirteen shillings & four pence, in full of the half pay he was entitled to on his reinlisting into the service on the last Crown point Expedition. [*Passed April 28.*]

Legislative
Records of the
Council, xxii.,
322. Mass.
Archives,
lxxvii., 557.

House Jour-
nal, pp. 416, 436.
Province
Laws, xv., 452,
chap. 310.

CHAPTER 447.

RESOLVE ALLOWING £12. 8. 3 TO PHILLIP KATON.

A PETITION of Phillip Katon of Boston; setting forth That he was Seven Months and two days in the province Service in the intended Expedition against Crown point in Capt. Ralph Waldo's Company; but was omitted in the Muster Roll; And praying Relief.

Read and

Resolved that there be allowed and paid out of the Public Treasury the sum of twelve pounds eight shill^s & 3 pence in full for his Services in the Forces raised By this Gov^t under the Command of his Excell^y the Earl of Loudoun the last Year: And that the Treasurer be directed to enter the same in Cap^t Waldo's Muster Roll. [*Passed April 28.*]

Legislative
Records of the
Council, xxii.,
323. Mass.
Archives,
lxxvii., 572.

Mass.
Archives,
lxxvii., 571.
House Jour-
nal, pp. 403, 404,
436. Province
Laws, xv.,
669, chap.
353.

CHAPTER 448.

ORDER GRANTING TO MARG^A LOVE LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxii.,
326. Mass.
Archives, cxx.,
240.

Mass.
Archives, cxx.,
326. House
Journal, p. 439.

A PETITION of Margaret Love of Boston Widow, setting forth, That her Husband William Richie Love, who died about a Week since had for several years past been licensed to Sell Strong Liquors by Retail And praying that the Court of General Sessions of the peace for the County of Suffolk may be impowered at their Adjournment in May next, to grant her a License for the same purpose.

Read and

Ordered, That the prayer of this Petition be so far granted, as That the Court of General Sessions of the Peace for the County of Suffolk, be and they hereby are impowered at their present sessions (if They see fit) to grant the Petitioner a Licence to retail spirituous Liquors in the Town of Boston, she producing the Approbation of the Select Men of said Town for that purpose, the Time for granting Licences being elapsed notwithstanding. [*Passed April 28.*]

CHAPTER 449.

ORDER GRANTING TO CAPT. JOSHUA HUTCHINS LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
326. Mass.
Archives, cxi.,
418.

House Jour-
nal, pp. 439, 440.

A PETITION of Amos Kimball and others Selectmen of Lunenburg setting forth; That Capt. James Reed who was lately Licensed to keep a Tavern at Lunenburgh is now going into his Majesty's Service; And praying that Capt. Joshua Hutchins may be Licensed for the same purpose.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Court of General Sessions of the Peace for the County of Worcester be and and¹ they hereby are impowered at their next Term to grant to Captain Joshua Hutchins a Licence (if they see fit) to keep an house of public Entertainment in the Town of Lunenburg, he producing the Approbation of y^e Select Men of said Town for that purpose, the Time for granting Licences being elapsed notwithstanding. [*Passed April 28.*]

CHAPTER 450.

Legislative
Records of the
Council, xxii.,
327. Mass.
Archives,
lxxvii., 581.

House Jour-
nal, p. 440.
Ante, p. 160,
chap. 370.

RESOLVE ALLOWING £5 PER MONTH ADDITIONAL TO EACH OF THE COLONELS APPOINTED FOR THE INTENDED EXPEDITION AGAINST CANADA.

Resolved, That the Sum of five pounds per month be allowed to each of the Colonels employed in the intended Expedition against Canada, in Addition to the Wages already allowed them by Establishment. [*Passed April 28.*]

CHAPTER 451.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY WAGES OF
PETER HARVEY TO HIS MOTHER.

WHEREAS in the Year 1757, one Peter Harvey in the Town of Berkley inlisted into Cap^t Ingersoll's Company for the Crown Point Expedition, and went into s^d service and Died therein, and thro' a mistake in making up the Roll, he is born thereon, by the name of William Harvey: Therefore

Voted, That the Treasurer be, and hereby is Directed to pay the Wages as made up in said Roll, to the mother of the said Peter namely Rebecca Harvey, the said Peter being a minor, notwithstanding the said Peter is made up by the name of William Harvey in said Roll as aforesaid. [*Passed April 28.*]

Legislative
Records of the
Council, xxii.,
328. Mass.
Archives,
lxxvii., 530.

House Jour-
nal, pp. 441, 442.

CHAPTER 452.

ORDER IMPOWERING CALEB DANA, ADM^r, TO SELL REAL ESTATE AND
MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Caleb Dana of Cambridge Administrator of the Estate of James Lockhart of the same Cambridge deceased, setting forth That the said James's personal Estate falls far short of paying his just debts and is represented Insolvent, That the said James died seized of some small parcels of Land in Pelham in the County of Hampshire and elsewhere, And praying that he may be impowered to Sell the same, that he may be enabled to Satisfy the just debts of the deceased so far as the produce of said Estate will extend.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in his said Capacity be and he hereby is impowered to make Sale of the within named deceaseds Real Estate, to the best advantage that may be, and to make & execute a good and sufficient deed or deeds of Conveyance of the same; He giving previous Notice of such intended Sale in time and manner as the Law respecting the Sale of Real Estates by Executors and Administrators doth direct, and giving due Caution to the Judge of Probate for the County of Middlesex that the proceeds of such Sale be applied (so far as is necessary) for discharging the deceaseds just debts; and that he shall Account for the remainder (if such there be) and for the whole of his proceedings in the premisses, when thereto lawfully required. [*Passed April 29.*]¹

Legislative
Records of the
Council, xxii.,
317.

House Jour-
nal, p. 448.
Province
Laws, ii., 151,
chap. 10.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is April 26.

CHAPTER 453.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO PROVIDING MEDICINE CHEST FOR EACH REGIMENT OF THE CANADA EXPEDITION.

Legislative
Records of the
Council, xxii.,
328. Mass.
Archives,
lxxvii., 586.

Legislative
Records of the
Council, xxii.,
327, 328. House
Journal, p. 445.

THE COMMITTEE appointed on his Excellency's Message of the 28th Instant, made the following Report. *Viz*^t

That there be forthwith provided a suitable Chest of Medicines for each Regiment going in the Expedition against Canada not exceeding Sixty pounds lawful money value, and that each Surgeon give directions what kind of Medicines shall be put up in his own Chest, which is submitted.

J. OSBORNE *p* order.

Read and

Ordered y^t this Report be Accepted. [*Passed April 29.*]

CHAPTER 454.

VOTE FOR APPLYING FINES COLLECTED FROM SOLDIERS OF THE CROWN POINT EXPEDITION TO ENCOURAGE THE ENLISTMENT OF MEN FOR CANADA EXPEDITION.

Legislative
Records of the
Council, xxii.,
329. Mass.
Archives,
lxxvii., 585.

House Jour-
nal, pp. 440, 441.
Province
Laws, iii., 1025,
chap. 23; iv.,
141, note.

Voted, That the several Sums of Money lodg'd in the hands of the Treasurers of the Towns and Districts within this province, arising by Fines collected from Soldiers impressed in the year 1756 for the Crown-Point-Expedition, be Applied for Raising and Encouraging of Men for the present Expedition against Canada: And the Treasurers of the several Towns and Districts are hereby Directed to pay the same to Soldiers belonging to the Company or Troop, from which such Money was collected, who are or shall be engaged in the Expedition against Canada, by Order of the Captⁿ or Chief Officer of such Company or Troop. [*Passed April 29.*]

CHAPTER 455.

ORDER FOR REMOV^o JACQUES MORRIS AND FAMILY FROM LEICESTER TO BROOKFIELD.

Legislative
Records of the
Council, xxii.,
329. Mass.
Archives,
xxiv., 32.

House Jour-
nal, pp. 300, 439.
Province
Laws, iv., 99,
note. *Ante*,
p. 142, chap.
327.

Ordered, That the Select Men of the Town of Leicester be and they hereby are allowed to remove from said Town to the Town of Brookfield Jacques Morris with eleven of his Family part of the French Neutrals (so called) that were placed there by order of the General Court in y^e Year 1756.

And That the Select Men of Brookfield be and they hereby are required to receive the said French People under their Care, and to provide for them in the same Manner as is directed with regard to the Inhabitants of Nova Scotia now within the Province. [*Passed April 29.*]

CHAPTER 456.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF ESSEX AND ALLOWING 34/7 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee &c. in the County of Essex for the present Year made Report that they had farmed the same to M^r Jacob Ashton for Three hundred Seventy eight pounds, and taken Bond with Sureties for the same, And praying Allowance of the Charge attending the same amounting to Thirty four shillings and seven pence.

Read and Accepted, and

Resolved, That there be allowed and paid out of the publick Treasury to the said Committee, the sum of Thirty four shillings and seven pence for their time and Expences in said Service. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
329.

House Jour-
nal, p. 443.
Ante, p. 120,
chap. 263.

CHAPTER 457.

ORDER REFERRING THE AFFAIR OF ROBERT HEWES.

Ordered that the Consideration of the Paper¹ signed by Rob^t Hewes be referred to the Next May Sessions. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
330. Mass.
Archives, cv.,
578.

Mass.
Archives, cv.,
577. Legisla-
tive Records of
the Council,
xxii., 297, 320.
House Jour-
nal, pp. 65, 409,
433, 447.

CHAPTER 458.

VOTE ALLOWING 42/8 TO SAM^l HASKALL.

A PETITION of Samuel Haskall, setting forth that he inlisted as a Soldier in the Crown point Expedition in 1755. and received pay as such until the 8th day of September, at which time he received a Commission to be Adjutant of Col^o Ruggles's Regiment, and did Duty as such till the 5th day of December for which he has received no Allowance; And praying Relief.

Read &

Voted That y^e prayer of this Petⁿ be so far granted as that y^e be allowed to be paid out of y^e public Treasury to s^d Pet^r the sum of forty two shill^s & 8^d for one Month's Wages as an Adjutant on the first Crown point Expedition. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
330. Mass.
Archives,
lxxvii., 575.

Mass.
Archives,
lxxvii., 575.
House Jour-
nal, pp. 425, 444.

CHAPTER 459.

VOTE DESIRING HIS EXCELLENCY TO ORDER THE COMMISSARY GENERAL TO SELL PROVINCE STORES.

Voted That his Excellency be desired to give directions to the Commissary General to dispose of the Province Stores mentioned in his Excellency's Message to both Houses of the 25 Instant, in the best manner he can for the publick Advantage; he to be Accountable for the proceeds thereof. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
331.

Legislative
Records of the
Council, xxii.,
311. House
Journal, p. 442.

¹ For an explanation of the paper referred to, see Legislative Records of the Council, xxii., 297, and Mass. Archives, cv., 565-590. *Post*, p. 215, chap. 16.

CHAPTER 460.

VOTE DESIRING HIS EXCELLENCY TO APPOINT A COURRIER FOR THE ARMY.

Legislative
Records of the
Council, xxii.,
331. Mass.
Archives,
lxxvii., 588.

House Jour-
nal, p. 446.

Voted, That His Excellency the Governor with the advice of the Council, be desired to appoint a Courier to pass between the Army that shall be employed in the Expedition against Canada and Boston, to be paid at the public Charge: The said Courier to be Obligated to provide Himself with Horses for that Service. [*Passed April 29.*]

CHAPTER 461.

RESOLVE ALLOWING £15. 7. 6 TO JOHN P. BULL.

Legislative
Records of the
Council, xxii.,
331. Mass.
Archives,
lxxvii., 564.

House Jour-
nal, pp. 424, 438.

A PETITION of John Partridge Bull of Deerfield, setting forth, That he served as Armourer in the Expedition against Crown point in the year. 1755. That the Establishment for the pay of an Armourer was, as he is informed Four pounds p Month, but that he is made up in the Roll only at Forty shillings p Month; And praying Relief.

Read and

Resolved, that there be allowed and paid out of the public Treasury to the Petitioner the sum of fifteen pounds seven Shillings and six pence, in full of the Ballance due to him for his Services as an Armourer in the Expedition against Crown point in the year 1755. [*Passed April 29.*]

CHAPTER 462.

VOTE ALLOWING £5. 3. 4 TO DAVID BUSH.

Legislative
Records of the
Council, xxii.,
331. Mass.
Archives,
lxxvi., 406.

House Jour-
nal, pp. 35, 75,
429, 445.

A PETITION of David Bush of Pontoosuck; praying Allowance For billeting a number of Soldiers which came from Connecticut in the year. 1755. for the Defence of the province.

Read and

Voted, That the Prayer of this Petition be so far granted as that there be allowed to be paid out of the public Treasury to M^r Matthew Noble for the Pet^rs use the sum of five pounds three shill^s and four pence in full Consideration for Billetting the Men Mentioned. [*Passed April 29.*]

CHAPTER 463.

RESOLVE ALLOWING 37/4 TO JOS. NORCROSS AND 35/5 TO BENJAMIN FELTON.

Legislative
Records of the
Council, xxii.,
332.

Mass.
Archives,
lxxvii., 178.
House Jour-
nal, p. 448.

Resolved That there be allowed and paid out of the publick Treasury to Elisha Jones Esq^r for the Use of Joseph Norcross thirty seven shillings and four pence; And to M^r Josiah Peirce for the use of Benjamin Felton Thirty five shillings and five pence in consideration of the Expences in their petitions mentioned. [*Passed April 29.*]

CHAPTER 464.

RESOLVE ALLOWING £6. 16 TO BENJ^A NOURSE.

A PETITION of Benjamin Nourse of Shrewsbury, setting forth That he was a Soldier in Col^o Frye's Regiment in the year. 1757, and was sent Sick from Fort Edward to Albany where he was discharged on the 5th of September, and on his return home was taken with the Small pox at Kenderhook where he paid Twenty five Dollars for Nursing besides the Charge of a Doctor and other Expences; And praying an Allowance.

Read and

Resolved that there be allowed & paid out of the public Treasury to M^r Paine for the Pet^rs use the sum of Six pounds sixteen shillings in Consideration of his sufferings Mentioned. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
332. Mass.
Archives,
lxxvii., 569.
House Jour-
nal, pp. 410, 411,
449.

CHAPTER 465.

ORDER ALLOWING £5. 10. 4 TO AMOS ALLEN.

A PETITION of Amos Allen; praying an Allowance for his Charge and Expen^{ce} in bringing home Amos Allen¹ a Sick Soldier, and billeting and nursing of him afterwards.

Read and

Ordered That There be allowed to be paid out of the publick Treasury to Major Williams for the petitioners Use the sum of Five pounds ten shillings and four pence in consideration of the Services & Expences mentioned. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
332.
House Jour-
nal, pp. 411, 449.

CHAPTER 466.

ORDER ACCEPTING REPORT OF COMMITTEE ON TRANSPORTATION OF TROOPS, ETC.

THE COMMITTEE appointed on his Excellency's Message of the 22^d and 28th Instant, made the following Report, Viz^t

That suitable Vessels be provided to transport the Troops going in the Expedition against Canada from the Counties of York Barnstable and Dukes County; And that suitable Carriages be provided to carry the Baggage of those Troops going by Land.

By Order of the Committee. J. OSBORNE.

Read and

Ordered, That this report be Accepted. [*Passed April 29.*]

Legislative
Records of the
Council, xxii.,
334. Mass.
Archives,
lxxvii., 584.
Mass.
Archives,
lxxvii., 583.
Legislative
Records of the
Council, xxii.,
304, 325. House
Journal,
pp. 412, 447.
Province
Laws, iv., 141,
note.

¹ The House Journal, p. 411, reads, "his Servant *Joseph King*."

RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1758-59.

LEGISLATIVE LIST

FOR

1758-59.

HIS EXCELLENCY THOMAS POWNALL,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, ESQ.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

JOHN OSBORNE	}	JOSEPH PYNCHON	}
JACOB WENDELL		THOMAS HUTCHINSON	
BENJAMIN LYNDE		STEPHEN SEWALL	
SAMUEL DANFORTH		ISAAC ROYALL	
SAMUEL WALDO		JOHN ERVING	
SAMUEL WATTS		BENJAMIN PICKMAN	
JOHN CHANDLER		ROBERT HOOPER	
EZEKIEL CHEEVER		JAMES BOWDOIN	
ANDREW OLIVER		THOMAS HANCOCK	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING	}	GEORGE LEONARD	}
SILVANUS BOURN		GAMALIEL BRADFORD	

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

SIR WILLIAM PEPPERRELL, BARONET, JOHN HILL & RICHARD CUTT, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;

WILLIAM BRATTLE, ESQ.

¹ See Legislative Records of the Council, xxii., 337-341.

For the Province at large:—

JAMES MINOT & BENJAMIN LINCOLN, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 31, 1758 to April 24, 1759.

MR. THOMAS HUBBARD, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . . Thomas Hubbard, Esq.,
 Mr. John Tyng,
 Thomas Flucker, Esq.,
 Benjamin Pratt, Esq.
Roxbury, . . . Mr. Samuel Heath.
Dorchester, . . . Nathaniel Hatch, Esq.
Milton, . . . Mr. Jazaniah Tucker.
Braintree, . . . Samuel Niles, Esq.
Weymouth, . . . Mr. James Humphrey.
Hingham, . . . Mr. Joshua Hearsey.
Dedham, . . . Mr. Joseph Ellis.
Medfield, . . . Capt. Peter Coolidge.
Stoughton, . . . Mr. Richard Bailey.
Wrentham, . . . Capt. Timothy Metcalfe.
Medway, . . . Capt. Jonathan Adams.
Chelsea, . . . Thomas Goldthwait, Esq.

COUNTY OF ESSEX.

Salem, . . . John Turner, Esq.
Ipswich, . . . Mr. Daniel Giddinge.
Newbury, . . . Joseph Gerrish, Esq.
Lynn, . . . Capt. Benjamin Newhall.
Marblehead, . . . Jacob Fowle, Esq.
Andover, . . . John Osgood, Esq.
Beverly, . . . Mr. Henry Herrick.
Rowley, . . . Mr. Humphrey Hobson.
Salisbury, . . . Caleb Cushing, Esq.
Haverhill, . . . Mr. David Marsh.
Glocester, . . . William Stevens, Esq.
Almsbury, . . . Jonathan Bagley, Esq.
Bradford, . . . Capt. Benjamin Milliken.
Boxford, . . . Mr. Thomas Pearley.
Topsfield, . . . Mr. John Gould.
Danvers, . . . Mr. Cornelius Tarbell.

COUNTY OF MIDDLESEX.

Cambridge, . . . Andrew Boardman, Esq.
Charlestown, . . . James Russell, Esq.
Woburn, . . . Josiah Johnson, Esq.
Concord, . . . Charles Prescott, Esq.

COUNTY OF MIDDLESEX — *Concluded*.

Newton, . . . Capt. John Clarke.
Sudbury, . . . John Noyes, Esq.
Marlborough, . . . Mr. Samuel Witt.
Groton, Shirley } William Lawrence, Esq.
 & Pepperrell, }
Billerica, . . . Capt. Enoch Kidder.
Frammingham, . . . Joseph Buckminster, Esq.
Lexington, . . . Benjamin Reed, Esq.
Weston, . . . Elisha Jones, Esq.
Chelmsford, . . . Oliver Fletcher, Esq.
Malden, . . . Mr. Thomas Pratt.
Medford, . . . Stephen Hall, Esq.
Sherburne, . . . Capt. Joseph Perry.
Reading, . . . Mr. John Temple.
Watertown, . . . Mr. Daniel Whitney.¹
Westford, . . . Capt. Jonas Prescott.
Waltham, . . . Samuel Livermore, Esq.

COUNTY OF HAMPSHIRE.

Springfield, . . . Capt. Luke Bliss.
Northampton & } Timothy Dwight, Esq.
 So hampton, }
Hadley, and } Mr. Eleazer Porter.
 So Hadley, }
Hatfield, . . . Israel Williams, Esq.
Westfield, . . . Mr. Matthew Noble.
Deerfield & } Elijah Williams, Esq.
 Greenfield }
Sunderland, }
 Montague & } Mr. Fellows Billing.
 New Salem, }
Sheffield, . . . Capt. Ithamar Hubbell.
Stockbridge, . . . Timothy Woodbridge,
 Esq.

COUNTY OF WORCESTER.

Lancaster, . . . William Richardson,
 Esq.
Leicester & } Mr. Benjamin Tucker.
 Spencer }

¹ Watertown, Mr. Daniel Whitney, House Journal, p. 35.

COUNTY OF WORCESTER — *Concluded.*

Mendon, . . . Mr. John French.
Brookfield, . . . Capt. Jabez Upham.
Sutton, . . . Capt. Henry King.
Lunenburg, . . . Edward Hartwell, Esq.
Rutland, and
Rutland Dis- } John Murray, Esq.
trict
Shrewsbury, . . . Mr. Isaac Temple.
Uxbridge, . . . Mr. Nicholas Baylies.
Hardwick, . . . Timothy Ruggles, Esq.
Sturbridge, . . . Mr. Henry Fiske.

COUNTY OF PLYMOUTH.

Plymouth, . . . George Watson, Esq.
Scituate, . . . Thomas Clap, Esq.
Marshfield, . . . Capt. John Thomas.
Duxbury, . . . Mr. Samuel Seabury.
Bridgewater, . . . Daniel Howard, Esq.
Middleborough, . . . Capt. Ebenezer Sprout.
Rochester, . . . Mr. Samuel Wing.
Plimpton, . . . Mr. John Bradford.
Pembroke, . . . Mr. Josiah Keene.
Kingston, . . . Mr. John Brewster.
Abington, . . . Mr. Jacob Porter.

COUNTY OF BARNSTABLE.

Barnstable, . . . Mr. Edward Bacon.
Sandwich, . . . Roland Cotton, Esq.
Eastham, . . . Mr. Silvanus Snow.

COUNTY OF BARNSTABLE — *Concluded.*

Yarmouth, . . . Capt. John Beare.
Harwich, . . . Nathaniel Stone, Esq.

COUNTY OF BRISTOL.

Taunton, . . . Samuel White, Esq.
Rehoboth, . . . Capt. Timothy Walker
Swanzey, . . . Mr. John Anthony.
Dartmouth, . . . Mr. Benjamin Akin.
Norton, . . . Capt. Thomas Morey.
Attleborough, . . . Mr. Josiah Maxey.
Dighton, . . . Mr. Ebenezer Stetson.

COUNTY OF YORK.

York, . . . John Bradbury, Esq.
Kittery, . . . Mr. Daniel Emery.
Wells, . . . Joseph Sayer, Esq.
Berwick, . . . Mr. Benjamin Chad-
 bourn.
Falmouth, . . . Samuel Waldo, Jr., Esq.
Biddeford,¹ . . . Mr. Samuel Jordan.
North Yarmouth,² Jeremiah Powell, Esq.

DUKES COUNTY.

Edgartown, . . . John Norton, Esq.
Chilmark, . . . Mr. Matthew Mayhew.

IN THE COUNTY OF NANTUCKET.

Sherburne, . . . Abishai Folger, Esq.

¹ Biddeford, Mr. Samuel Jordan, House Journal, p. 109.

² North Yarmouth, Jeremiah Powell, Esq., House Journal, pp. 50, 51.



RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1758.

CHAPTER 1.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF WORCESTER TO EXTEND THE TIME FOR FILING CLAIMS AGAINST AN INSOLVENT ESTATE.

A PETITION of Samuel Harper Administrator of the Estate of Andrew Harper late of Harvard deceased, praying that the Judge of Probate for the County of Worcester may be impowered to lengthen out the time for the Creditors of the Estate of said Andrew to bring in their Claims; whereby he may be enabled to receive his just proportion with the other Creditors of sundry Sums he paid in discharge of Debts due from said Andrew, before he apprehended the Estate to be insolvent.

Read and

Ordered That the prayer of this petition be granted, and that the Judge of Probate for the County of Worcester be and he hereby is impowered to lengthen out the time for the Creditors to the Estate of Andrew Harper deceased to bring in their Claims for the term of Six Months. [*Passed June 2.*]

Legislative
Records of the
Council, xxii.,
345.

House Jour-
nal, p. 21.
Ante, p. 15,
chap. 23.

CHAPTER 2.

ORDER GRANTING TO JOHN BARTLET LICENCE TO KEEP AN INN.

A PETITION of John Bartlet of Plymouth; setting forth that by reason of the Adjournment of the Court of Sessions for the County of Plymouth to September next, he is deprived of the benefit of the Order passed on his petition presented to the General Court in April last, and praying that he may be allowed to keep a Tavern in the House lately purchased by him in said Town until the next Sitting of the Court of General Sessions of the peace for said County agreeable to the desire of the Selectmen of said Town signified in their Approbation annexed.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the Petitioner be and he hereby is allowed and Impowered to exercise his Licence as an Innholder in the purchased House within mentioned untill the Time for granting Licences by Law in the County of Plymouth in Sep^r next, He recognizing before the Clerk

Legislative
Records of the
Council, xxii.,
346. Mass.
Archives, cxi.,
420.

Mass.
Archives, cxi.,
419. House
Journal, pp. 11,
13. *Ante*,
p. 187, chap.
432; p. 193,
chap. 444.

of the Court of General Sessions of the peace for said County to pay the excise by Law required And also for keeping good Rule and Order in said House. [*Passed June 2.*]

CHAPTER 3.

ORDER SETTING OFF JON^A STONE & OTHERS WITH THEIR ESTATES FROM LEICESTER TO WORCESTER.

Legislative
Records of the
Council, xxii.,
346.

House Jour-
nal, p. 21.
Province
Laws, v., 854,
note. *Ante*,
p. 93, chap.
209.

THE COMMITTEE appointed on the petition of Jonathan Stone and others [*ante*, p. 93, chap. 209] Reported That having after due Notice given to all concerned, repaired to the place where the petitioners dwell, and being attended by the Committee of the Town of Leicester, and the petitioners, and having taken a full and Careful Survey of the Situation and Circumstances of the petitioners and fully heard the parties; find their petition just and reasonable, and are therefore of Opinion that the petitioners James Hart, Thomas Beard and James Wallis with their Lands and the Lands of the Petitioner Stone lying in Leicester be laid to the Town of Worcester there to do duty and enjoy privileges for the future, as other the Inhabitants there do, provided that they pay their proportion of all past Taxes already granted or assessed by the Town of Leicester.

Signed JAMES MINOT *per* Order.

Read and

Ordered That this Report be Accepted and that the said James Hart, Thomas Beard and James Wallis with their Estates and Lands lying in Leicester and the Lands of the said Jonathan Stone also lying in Leicester for the future be laid to and Accounted part of the Town of Worcester there to do duty and enjoy privilege as other the Inhabitants of Worcester do, the petitioners to be always Subject to the payment of such Taxes as are already granted or assessed, and that for the future their proportion of the province and County Taxes be taken off from the Town of Leicester, and added to the Town of Worcester. [*Passed June 2.*]

CHAPTER 4.

ORDER ALLOWING THE SON OF JAQ. LEBLANC TO RESIDE IN THE PROVINCE.

Legislative
Records of the
Council, xxii.,
344. Mass.
Archives,
xxiv., 50.

Mass.
Archives,
xxiv., 49.
House Jour-
nal, p. 17.
Province
Laws, iv., 99,
note.

A PETITION of Jaques Leblanc late Inhabitant of Nova Scotia now residing at Braintree praying that his Son who was Sent to Maryland may be allowed to come into this province and live with him, he procuring good Security to indemnify the province from any Charge that may accrue thereby.

Read and

Ordered that upon Cap. Benjamin Beales giving Security to the Treasurer that the Petitioners Son shall be supported in case of his Arrival here without any Charge to the Province the prayer of this Petition be so far granted as that the Secretary be allowed to give a Certificate to the Petitioner signifying that his Son may be allowed to come into the Province. [*Passed June 2.*¹]

¹ There is some confusion of dates here, both Mass. Archives and the House Journal giving the first action as occurring in Council on June 3^d, and final action in the House on the 2^d.

CHAPTER 5.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF YORK TO EXTEND THE TIME FOR FILING CLAIMS AGAINST AN ESTATE.

A PETITION of Isaac Isley of Falmouth in the County of York praying that the Judge of Probate for said County may be impowered to lengthen out the time for the Commissioners receiving the Claims of the Creditors to the Estate of the honourable Jabez Fox Esq^r deceased, that so he may have Opportunity to Ascertain the demand he has against the said Estate, which he has not been able to do within the time limited by said Judge.

Read and

Ordered That the Prayer of the petition be granted and that the Judge of Probate of Wills &c. for the County of York be and he hereby is Authorized and impowered to lengthen out the time for the Creditors to the Estate of the Honourable Jabez Fox Esq^r deceased to bring in their Claims for the term of three Months. [*Passed June 3.*]

Legislative
Records of the
Council, xxii.,
348.
House Jour-
nal, p. 25.

CHAPTER 6.

ORDER IMPOWERING BENJ^A WISER, INDIAN, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Wiser of Worcester in the County of Worcester Indian planter and Administrator of the Estate of Samuel Tobumso in behalf of himself and Sarah Printer, Leah Chalcom Judah Ephraim, Elizabeth Cumacher and Mary Ephraim all of Natick Indians, Heirs of the said deceased praying liberty to Sell the Real Estate of the said Samuel, the Money arising thereby (after paying the debts of the deceased and Charges) to be put into the hands of the Guardians of the Natick and Hassanamisco Indians for the benefit of The other Heirs his own Share to be applied in the first place for paying his just Debts, and the Overplus for purchasing some Lands for his better Accommodation.

Read and

Ordered That the Prayer of the petition be granted, and that the petitioner Benjamin Wiser in his Capacity as Administrator be and he is hereby impowered to make Sale of the Real Estate of the deceased as mentioned in this petition, and to execute a good deed or deeds for Conveying the same, first making due publication of the Times and places of Sale by inserting the same in One of the Boston News Letters, and in the places where the Lands lye in Two of the Adjoining Towns and Shire Town of the respective Counties in which the Lands are. That Joseph Buckminster Esq^r one of the Guardians of the Natick Indians Assist in and See that Justice be done in the Sale of the Lands lying in the County of Middlesex. and that Edward Baker Esq^r one of the Trustees of the Grafton Indians assist in and See that Justice be done in the Sale of the Lands in the County of Worcester, and that upon the said administrators adjusting his Account with the Judge of Probates for the County of Worcester the Money remaining by said Sale be divided according to Law among the proper Heirs; That

Legislative
Records of the
Council, xxii.,
343.

Mass.
Archives,
xxxiii., 55–58.
House Jour-
nal, pp. 16, 17.
Province
Laws, ii., 151,
chap. 10; xiii.,
326, chap. 227;
xv., 110, chap.
256.

such part as belongs to the Natick Indians be put into the hands of the Guardians of those Indians, and be by them put out to Interest on good Security, and the Interest applied for their Comfort and Support, said Guardians to be accountable from time to time to this Court; and that such part thereof as belongs to the petitioner Wiser be applied for the payment of his just Debts, under the inspection of the Trustees of the Grafton Indians, and the Overplus, if any there be, be applied for purchasing Land for him and that such part as may belong to the said Sarah Wiser be by said Trustees put to Interest on good Security and applied for her Comfort, and that the said Trustees be Accountable to this Court from time to time for their proceedings. [*Passed June 5.*¹]

CHAPTER 7.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF WORCESTER AND ALLOWING 23/4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
349. Mass.
Archives, cxx.,
241.

THE COMMITTEE appointed to farm out the Excise on Tea Coffee and China Ware in the County of Worcester, Reported That they had Sold the same to Paul Crocker for Eleven pounds ten shillings.

Signed JOHN CHANDLER *p* Order.

House Jour-
nal, pp. 10, 22.
Ante, p. 121,
chap. 266.

Read and Accepted, and

Resolved, That there be allowed and paid out of the public Treasury to the said Committee the sum of twenty three shillings & four pence for their Time and Expences Mentioned. [*Passed June 5.*]

CHAPTER 8.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BARNSTABLE, AND ALLOWING 31/8 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
349.

House Jour-
nal, p. 25.
Ante, p. 122,
chap. 268.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee and China Ware in the County of Barnstable, Reported That they had Sold the same to Isaac Hinckley Esq^r for Eighteen pounds thirteen shillings and four pence and presented an Account of their Expences.

Signed SILVANUS BOURN *p* order.

Read and Accepted and

Resolved That there be allowed and paid out of the publick Treasury the sum of Thirty one shillings and eight pence to the said Committee in consideration of their time and Expences mentioned. [*Passed June 5.*]

¹ This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 2.

CHAPTER 9.

VOTE FOR ESTABLISHMENT OF GARRISONS AND PAY AND SUBSISTENCE OF SOLDIERS EMPLOYED IN DEFENCE AND PROTECTION OF EASTERN AND WESTERN FRONTIERS.

Voted that there be Pay and subsistence granted for one Captain, one Lieutenant, three Sergeants, three Corporals, one Armourer, one Drummer, a Chaplain and thirty eight Privates at Fort Halifax.

At the Storehouse at Cushnoc, for one Lieutenant, one Corporal & fifteen privates.

At the Truckhouse at Saco for one Lieutenant one Corporal, & ten privates.

At Georges Fort, for one Captain, one Lieutenant, one Sergeant, two Corporals, one Drummer, one Armourer, and twenty eight Privates.

At Fort Frederick, at Pemaquid, for one Lieutenant, one Corporal, and twelve Privates.

At Brunswick Fort for one Sergeant & five Privates, and that his Excellency the Captain General be desired to give Order that the said Men do Duty at the said Garrison, or be employed in Scouting as the Service may require.

That there be pay and Subsistence granted for Eleven Privates at Lebanon, Eighteen at Phillips Town, Fourteen at Narragansett N^o one, and fifteen at Pierson & Hobbs Town. and for one captain, one Lieutenant, two Sergeants & two corporals to Command said men, and that the Captain General be desired to give order that said Men be employed in Scouting on the Frontiers of said places or posted in them as the Service may Require.

That there be Pay & Subsistence granted for Ten Privates at New Marblehead, fourteen at New Glocester, twenty at Frankfort, Nineteen at Medammock Falls; and for one Captain, one Lieutenant, two Sergeants two corporals to Command said men, and that the Captain General be desired to give order that said Men be Employed in Scouting on the Frontiers of said Places or posted, in them as the Service may Require, and that there be Pay and Subsistence Granted for One Sergeant, and five Privates at Burtons Garrison on Georges River, and for one Sergeant and five Privates at Hendersons Garrisons at the Entrance of Georges River For one Sergeant and nine Privates at madamcook For one Sergeant & seventeen Privates at Broad Bay and that the Captain General be desired to give order that said Men be Employed, for the Protection of the People at their Labour, and the Coasters when Loading their Lumber.

That there be Pay and subsistence granted for, one Lieutenant, one Sergeant, one Corporal, a Drummer & sixteen Privates at Fort Massachusetts, and for one Lieutenant, One sergeant, one Corporal & sixteen Privates at the Block house at West Hoosuck, and that the Captain General be desired to order said men to do Duty in said Garrison or in Scouting as the Service shall Require, and That Pay and Subsistence be Granted for Seven Privates at Sheldons Garrison, for Seven Privates at Burks Garrison, for thirty five privates at four Garrisons at Colerain, for Eleven Privates at Taylors, for Eleven Privates at Hawkes, and for five Privates at Rice's Garrisons, and for Ten Privates at Northfield, Sixteen at Greenfield, five at Williams's, Seven at the New Garrisons Built by Jones & others, and five at Goodriches Garrisons at Pontoosuck, Twelve at Stockbridge,

Legislative
Records of the
Council, xxii.,
350. Mass.
Archives,
lxxvii., 614.

House Jour-
nal, pp. 13, 22,
23, 24.

nine at Huntstown, and for one Captain, one Lieutenant and fourteen Sergeants to Command said Men, and that the Captain General be desired to Order that said Men be Employed in Scouting on the Frontiers of said Places or Posted in them as the Service may Require, and that the Establishment continue until the first day of August next & no longer, and that the Captain General be desired to order that all the aforesaid men be raised by Enlistment, their Pay & Subsistence to Commence from the day of their Enlistment. also

Voted

That the Wages of officers and Soldiers in the marching Forces for the Term aforesaid be as follows viz^t

For a Captain. Four pounds sixteen shill ^{gs}	Ɔ month
For a Lieutenant Three pounds four shill ^{gs}	Ditto
For a Sergeant One pound fourteen shill ^{gs}	Ditto
For a Corporal one pound nine shill ^{gs} & 10 ^d	Ditto
For a private Soldier one pound 6/ 8	Ditto

And for the Garrison Officers & Soldiers as follows Viz^t

For a Captain Four pounds	per Month
For a Lieutenant Three pounds	Ditto
For a Chaplain Five pounds	Ditto
For an armourer Two pounds	Ditto
For a Sergeant one pound ten shill ^{gs}	Ditto
For a Corporal One pound Eight shill ^{gs}	Ditto
For a Drummer one pound eight shill ^{gs}	Ditto
For a Private Soldier one pound four shill ^{gs}	Ditto

And that there be allowed for subsistence of Soldiers on the Western Frontiers as follows Viz^t at Pontoosuck Four shill^{gs} & eight pence Ɔ week at Fort Massachusetts, West Hoosuck, Charlemont, Colerain Fall Town & Hunts Town five shill^{gs} & four pence per week and at all other Places four shillings per week. [*Passed June 5.*]

CHAPTER 10.

ORDER EXTENDING THE TIME FOR EDMUND QUINCY, JR., TO SURRENDER TO THE COMMISSIONERS OF BANKRUPTCY.

Legislative
Records of the
Council, xxli.,
352.

House Jour-
nal, pp. 19, 20,
27. Province
Laws, iv., 29,
chap. 12.

A PETITION of Edmund Quincy jun^r of Portsmouth in the province of New Hampshire, setting forth, That a Commission of Bankruptcy was issued in December last against him and others in partnership with him, and he was required to Surrender himself to the Said Commissioners on or before the 31 day of January, which time was afterwards lengthen'd out to the 20th day of March; but he being at a distance from Boston and in a bad state of health was unable to Travel until the time was elapsed; that when he came to Boston he was informed that the Commissioners had no discretionary power to allow of his Surrender, by means whereof he is deprived of the benefit of the Act providing Remedy for Bankrupts and their Creditors, without the Interposition of this Court; And praying that said Commissioners may be impowered to admit him to the benefit of said Act.

Read and

Ordered That the prayer of this petition be so far granted, as that the Commissioners be and hereby are Authorized and impow-

ered to receive the Surrender of the petitioner, and to proceed to Act in all respects touching his person and Estate as if he had Surrendered in time, and be alike intitled to the benefit of the Act aforesaid, the time of his Surrender being elapsed notwithstanding. [*Passed June 6.*]

CHAPTER 11.

RESOLVE ALLOWING 18/8 TO SETH BURK.

A PETITION of Seth Burk of Northampton; setting forth that he was a private Soldier in 1756. at Lake George That after the Army was dismissed, he was detached (with divers others) to tend the Sick, that he continued in this Service twenty four days, for which time he is not made up in the Muster Roll, and that he Subscribed himself on his Return home; And praying Relief.

Read and

Resolved, That there be allowed & paid out of the public Treasury to Tim^o Dwight Esq^r for the Petitioner's use, the sum of Eighteen Shillings & eight pence in Consideration of his Services mentioned. [*Passed June 6.*]

Legislative
Records of the
Council, xxii.,
353. Mass.
Archives,
lxxvii., 553.

Mass.
Archives,
lxxvii., 552.
House Jour-
nal, pp. 18, 28.

CHAPTER 12.

ORDER IMPOWERING MARY WARREN, ADM^x, TO EXECUTE A DEED.

A PETITION of Jonathan Davis¹ of Roxbury Administrator of the Estate of John Cheney deceased, and of Mary Warren of said Roxbury Administratrix of the Estate of Joseph Warren deceased, setting forth That the said John Cheney agreed with Thomas Cheney of Dudley Esq^r for the purchase of certain Lands in Roxbury, but being unable to pay the purchase Consideration, the said Joseph Warren paid the same and took the deeds of said Land in his own Name, as by the said deed bearing date 18 April. 1752. may appear, at the same time covenanting with the said John Cheney to Convey said Lands to him, he paying the principal Sum with Interest within one year after That said John entred upon the premisses and improved the same until the Year. 1755. when he was about to pay the Money, but said Warren died suddenly, and the Year after said Cheney died, That the petitioners are both desirous of compleating the Bargain; And praying that She the said Mary may be impowered to convey the premisses accordingly.

Read and

Ordered That the prayer of this Petition be so far granted, as that the said Mary in her said Capacity be and She hereby is Authorized and impowered to make and execute a good and sufficient deed of the Lands mentioned To the said Jonathan Davis his Heirs and Assigns, He paying the principal Sum and Interest to the said Mary, which was Originally given by the said Joseph Warren for the same, the said Mary giving sufficient caution to the Judge of Probate for the County of Suffolk that She will Account for said Money agreeable to Law. [*Passed June 6.*]

Legislative
Records of the
Council, xxii.,
353.

House Jour-
nal, pp. 12, 29.

¹ The House Journal, p. 29, reads, "*Joseph Davis.*"

CHAPTER 13.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ABIEL SMITH & OTHERS TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxii.,
354.

House Jour-
nal, pp. 11, 20.

A PETITION of Abiel Smith, Stephen Smith and Abraham Kilborn all of Litchfield in the Colony of Connecticut, setting forth That they Commenced their Action at the Inferiour Court at Springfield against one John Fuller of Sheffield for the recovery of Thirty three pounds lawful money, but they not producing their Evidence upon trial the Cause was given against them, whereupon they appealed to the Superiour Court to be then holden at Springfield within and for the County of Hampshire, on the fourth Tuesday of September, 1757. when and where the petitioners affidavits not being taken according to the Laws of this Province, were not by said Court admitted, and so Judgment was then also given against them, and praying that they may be impowered to review said Action.

Read and

Ordered That the petitioners serve the Attorney to the Original Defendant in the Act mentioned with an Attested Copy of this Petition, that he shew cause if any he have on the second Wednesday of the next Sitting of this Court why the prayer thereof should not be granted, and that Execution on the judgment mentioned be stayed in the mean time, they giving sufficient Caution to the Sheriff of the County of Hampshire to respond the Judgment that may be finally recovered against them. [*Passed June 6.*]

CHAPTER 14.

RESOLVE ALLOWING 32/ TO JOHN PATTEN.

Legislative
Records of the
Council, xxii.,
354. Mass.
Archives,
lxxvii., 509.

House Jour-
nal, pp. 25, 30.

A PETITION of John Patten of Stoughton, setting forth That his Son William Patten was a Soldier in the Crown point Expedition in 1756. and died in the Service, That he carried his own Gun which after his Death was lost; And praying an Allowance.

Read and

Resolved, That there be allowed & paid out of the public Treasury to Mr Thomas Morey for the Petitioners use the sum of thirty two Shillings in full Consideration for the loss of the Gun Mentioned. [*Passed June 6.*]

CHAPTER 15.

ORDER IMPOWERING JOSEPH WHITNEY, ADM^r, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxii.,
319, 358.

House Jour-
nal, pp. 393, 427
(April, 1758);
pp. 30, 33.

A PETITION of Joseph Whitney Administrator of Estate of James Whitney late of Dunstable in the County of Middlesex deceased, setting forth, That the said James with one Ephraim Adams became engaged to pay a Sum of Money for one Stephen Adams, and for their Security took an Absolute deed of Conveyance from the said Stephen of one Moiety each of certain Lands with the Buildings

thereon; That as the said Lands &c. are worth more than the Sum engaged for; praying that he may be impowered upon his receiving the full of what his deceased Brother paid or engaged to pay for the said Stephen, to reconvey the one Moiety of the premisses to the said Stephen, or that such order may be taken respecting the same as to Justice shall appertain.

Read and

Ordered That the prayer of this petition be so far granted, as that on the petitioners receiving the Money paid by his Intestate, or that he is obliged to pay as set forth in the petition, he the said Joseph in his said Capacity be and he is hereby impowered to pass and execute a good and sufficient deed of Conveyance of one half of the Real Estate in the petition mentioned to Stephen Adams (of whom the Intestate bought it) his Heirs and Assigns, the said Joseph Accounting in his Capacity aforesaid for the Money he shall receive as aforesaid to the Judge of Probate for the County of Middlesex. [*Passed June 8.*]

CHAPTER 16.

ORDER REFERRING THE HEARING ON THE AFFAIR OF ROBERT HEWES, AND VOTE THAT THE SECRETARY WRITE FOR DEPOSITIONS OF WITNESSES.

Ordered, That the Hearing voted to be had before the Two Houses this day on the Affair mentioned in the Papers Signed by Robert Hewes be referred to the second Wednesday of the next Sitting of this Court; And That the Parties concerned forthwith give in the names of Such persons as they think can give light in the affair to the Secretary, who is hereby directed to summon them to attend at That time accordingly:

And whereas it is suggested That [Pierre]¹ Simon and Boutin now resident at Newport can give Evidence in the Case. Also

Voted That the Secretary write to said Simons & Boutin that they attend the Hearing if they can at the time aforesaid. And That John Wheelwright Esq^r and M^r Nath^l Wheelwright, or M^r Robert Hews may either of them cause the Depositions of said Simons or Boutin to be taken in writing before one or more of the principal Magistrates or Assistants of that Government, either of the said Parties so causing the same to be taken, giving notice to the other of the time of the Caption at least ten days before the Same be taken; which depositions may be received in case the said witnesses should be prevented attending in person. [*Passed June 9.*]

Legislative Records of the Council, xxii., 359. Mass. Archives, cv., 581.

House Journal, pp. 409, 433, 447 (April, 1758); pp. 26, 27, 36, 37, 39. *Ante*, p. 197, chap. 457.

CHAPTER 17.

VOTE IMPOWERING THE PROVINCE TREASURER TO PAY AMOUNTS DUE JER. WHITE & RICH^d TYNAN.

WHEREAS it appears that by reason of an Omission in making up the Roll of Capt. Enoch Bailey's Company, one Jeremy White a Soldier in the said Captains Company cannot receive the sum of Thirteen pounds four shillings and nine pence, that is justly due to him for that service, And also That by Mistake in Capt. John

Legislative Records of the Council, xxii., 360.

House Journal, p. 445 (April, 1758); p. 44.

¹ Mass. Archives, cv., 584, gives the signature "Pierre Simon."

Indicott's Muster Roll one Richard Tynan a Soldier in his Company is also deprived of his just due, as appears on the Face of the same Rolls.

Voted That the Treasurer be and hereby is impowered and directed to pay what appears by said Rolls to be respectively due to the said White and Tynan, the aforesaid Omission & Mistake notwithstanding. [*Passed June 10.*]

CHAPTER 18.

ORDER IMPOWERING NATHANIEL & PATIENCE HILL, INDIANS, TO SELL LANDS.

Legislative
Records of the
Council, xxii.,
361. Mass.
Archives,
xxxiii., 60.

Mass.
Archives,
xxxiii., 59.
House Jour-
nal, pp. 37, 38,
43. Province
Laws, ii., 151,
chap. 10; xv.,
110, chap. 256.

A PETITION of Nathaniel Hill and patience his Wife Indian proprietors of Natick; praying liberty to Sell thirty Acres of their Land to enable them to discharge the Expence of long and repeated Sickness in their Family, and to Support them in their Advanced Age.

Read and

Ordered, That the Prayer of this Petition be so far granted, as That the Petitioners be and they hereby are allowed and impowered (with the Advice and Consent of the Guardians of the Natick Indians) to sell thirty Acres of their Lands lying in said Town of Natick as mentioned, seasonable public Notice being first given of the Time and place of Sale, the proceeds thereof to be applied in the first place to the discharging the just Debts of y^e Pet^{rs} And the remainder (if any there be) to be applied for the more Comfortable support of the Pet^{rs} in their Advanced Age, and of their family, as the Guardians of s^d Indians shall judge proper and necessary. [*Passed June 10.*]

CHAPTER 19.

ORDER IMPOWERING CESAR FERRIT, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
362. Mass.
Archives,
xxxiii., 54.

Mass.
Archives,
xxxiii., 53.
House Jour-
nal, pp. 37, 43.
Province
Laws, ii., 151,
chap. 10; xv.,
110, chap. 256.

A PETITION of Cesar Ferrit of Natick Indian planter, setting forth That about ten months since he purchased about Sixty or 70 Acres of Land in said Natick, and was before possessed of several parcels of Land in the same; That by reason of said purchase and Sickness in his Family, Loss by bad Debts &c. he is unable to pay his just Debts without Selling part of his Lands; and pray liberty to Sell Sixty Acres to enable him to discharge his Debts as aforesaid.

Read and

Ordered, That the Prayer of this Petition be so far granted as that the Petitioner, with the Advice and Consent of the Guardians of the Natick Indians be, and hereby is allowed and impowered to make sale of Sixty Acres of his Lands lying in said Town of Natick as mentioned, seasonable public Notice being first given of the Time and place of Sale, the proceeds arising by such sale to be applied in the first place to the payment of the Pet^{rs} Just Debts, and the over-plus (if any there be) to be applied to the best Advantage of the Pet^r as the said Guardians shall direct. [*Passed June 10.*]

CHAPTER 20.

ORDER IMPOWERING SARAH TRAY, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Tray of Natick Widow; praying liberty to Sell twenty Acres of Land in said Natick, the fee whereof is in herself, to Support her under the Infirmities of Old Age.

Read and

Ordered, That the prayer of this Petition be so far granted as that the Petitioner be and she hereby is allowed & impowered, with the Advice and Consent of the Guardians of the Natick Indians to make sale of Ten Acres of the Lands mentioned lying in said Town of Natick, seasonable public Notice being first given of the Time and place of Sale, the proceeds arising thereby to be applied as the Guardians of the said Indians shall judge proper, for the more comfortable support of y^e Pet^r in her Advanced Age. [*Passed June 10.*]

Legislative
Records of the
Council, xxii.,
362. Mass.
Archives,
xxxiii., 37.

Mass.
Archives,
xxxiii., 36.
House Jour-
nal, pp. 38, 44.
Province
Laws, ii., 151,
chap. 10; xv,
110, chap. 256.

CHAPTER 21.

VOTE DIRECTING PROVINCE TREASURER TO PAY WAGES DUE GERSHOM MORSE.

WHEREAS in the year 1757. one Gershom Morse an apprentice to uriah Morse. Enlisted & went into His Majestys Service in Captain Ingersol's Company. but in making up the muster Rool the Said Gershom is not made up as an apprentice. for which reason the said uriah the master Cannot Draw the wages Due on s^d Rool to the Said Gershom. Therefore

Voted that the Treas^r be & hereby is directed to pay to the said uriah the wages Due to the Said. Gershom as made up in the s^d Ingersols Rool. [*Passed June 10.*]

Legislative
Records of the
Council, xxii.,
362. Mass.
Archives,
lxxvii., 118.
House Jour-
nal, p. 46.

CHAPTER 22.

ORDER ALLOWING THE ACCO^{TS} OF TRUSTEES OF THE HASSANAMISCO INDIANS.

THE TRUSTEES appointed to receive the Interest Money accruing to the Hassanamisco Indians, and distribute the same among the concerned having presented their Accounts to the Court for Allowance.

Read and

Ordered, That this Account be Allowed; And That the Ballance thereof being two Shillings and ten pence one farthing the said Indiance¹ be Accountable to the said Trustees for. [*Passed June 12.*]

Legislative
Records of the
Council, xxii.,
363. Mass.
Archives,
xxxiii., 43.

Mass.
Archives,
xxxiii., 42.
House Jour-
nal, pp. 10, 35.
Province
Laws, xiii., 326,
chap. 227.

¹ Legislative Records of the Council, xxii., 363, reads, "Indians."

CHAPTER 23.

VOTE ESTABLISHING PAY AND SUBSISTENCE OF SOLDIERS WHO MARCHED TO THE RELIEF OF FORT WILLIAM HENRY IN THE LATE ALARM.

Legislative
Records of the
Council, xxii.,
364. Mass.
Archives,
lxxvii., 623.

Legislative
Records of the
Council, xxii.,
229, 271. House
Journal, pp. 39,
40, 46, 47, 48.

Voted, That the Commanding Officer of each Regiment or Company of the Militia, or Detachment of a Company, that marched on the late Alarm for the Relief of Fort William Henry, be directed to make up a Roll for Pay and Subsistence of himself and Company, as followeth, *Viz*^t

For each Colonel, ten Shillings,	per Day.
For each Lieu ^t Colonel, eight Shillings,	Ditto.
For each Major, seven Shillings,	Ditto.
For each Chaplain, five Shillings,	Ditto.
For each Chirurgeon, four shillings and six Pence,	Ditto.
For each Captain, five Shillings,	Ditto.
For each Lieu ^t three Shillings and nine Pence,	Ditto.
For each Ensign, three Shillings,	Ditto.
For each Adjutant, three Shillings,	Ditto.
For each Serjeant, two Shillings and ten Pence,	Ditto.
For each Corporal, two Shillings and nine Pence,	Ditto.
For each private Soldier, two Shillings and eight Pence,	Ditto.

And that those Officers and Soldiers that rode on Horses be allowed over and above the aforesaid Establishment, eight Pence for each Day they were detained at the End of their March, until they had Orders to return Home;

That in said Roll, he carry out against his own and each of the Officers and men's names their Wages, therein making a Column for the Supplies they received of Taverners and Others, deducting the same from the Sums respectively carried out; and specifying the Names of the Captains whose Soldiers they supplied:

That such Officers make Oath, that they and their men were so long in the Service as they are born on their said Rolls, & that the Officers were appointed to their Service in Time, and actually performed it:

That no officer be allowed to make up a Pay Roll for any men under his Command, unless they marched fifteen miles from their respective homes

That each of said Officers and Soldiers be allowed one Day's Pay and Subsistence before they marched. That fifteen miles Travel be accounted a Day's march: That the Tavern-keepers and Others, who supplied such Officers and Soldiers, be directed, within two months from this Time, to transmit their Accounts to the Secretary's office: the said Pay-Rolls not to be passed upon before the said two months shall be expired. [*Passed June 12.*]

CHAPTER 24.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO TIMOTHY PAGE.

Legislative
Records of the
Council, xxii.,
365. Mass.
Archives,
lxxvii., 551.

A PETITION of Timothy Page of Plastow setting forth That he went in the Expedition in the year, 1756. and being taken Sick at Lake George; lost his Gun for which there is Four pounds stopped from his Wages, and praying Relief.

Read and

Ordered, That the Treasurer be directed to pay to Mr David Marsh for the use of the Petitioner the four pounds stopped out of the Wages due to him on the last Crown point Expedition, his Arms not being returned notwithstanding. [*Passed June 12.*]

Mass.
Archives,
lxxvii., 550.
House Jour-
nal, p. 15, 16,
51. Province
Laws, xv., 695,
chap. 416.

CHAPTER 25.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO LYDIA RAMSDELL.

A PETITION of Lydia Ramsdell setting forth That her late Husband Ephraim Ramsdell was a Soldier in the Crown point Expedition in 1756, and according to the best Information She can obtain returned his Gun into the province Stores, but that there is Four pounds stopped from his Wages on account of said Gun; and praying Relief.

Read and

Ordered That the Treasurer be directed to pay to the petitioner the Four pounds stopped out of the Wages due to her late Husband Ephraim Ramsdell on the last Crown point Expedition, his Arms not being returned Notwithstanding. [*Passed June 12.*]

Legislative
Records of the
Council, xxii.,
365.
House Jour-
nal, p. 51.
Province
Laws, xv., 695,
chap. 416.

CHAPTER 26.

ORDER IMPOWERING ELIZ^A FARWELL, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Farwell of Townshend Widow and Administratrix of her late Husbands Estate, Samuel Farwell late of Townshend deceased; setting forth, That the said Samuel died siezed of a House and Barn and about One hundred Acres of Land in Townshend aforesaid valued at about Two hundred pounds; that the deceaseds Debts amount to Seventy pounds sixteen shillings & 8^d more than his personal Estate; and praying that She may be empowered to Sell the forementioned Real Estate for the payment of the Debts, and for the Benefit and Support of the Young Children.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner in her capacity of Administratrix be and She hereby is empowered to make Sale of the Real Estate of her late Husband Samuel Farwell deceased as mentioned, for the most the same will fetch, and to execute one or more Deeds for Conveyance thereof, She first giving Notice of the time and place of Sale agreeable to the Law respecting the Sale of Real Estates by Executors and Administrators and also giving caution to the Judge of probate for the County of Middlesex, that the proceeds of such Sale shall be duly applied in the first place to discharge the deceaseds just debts; the Widow to have the Improvement of One third of the Remainder during Life, as her Right of Dower; at her Decease to revert to the Heirs at Law, the other two thirds to be divided among the Heirs as the Law directs. [*Passed June 13.*]

Legislative
Records of the
Council, xxii.,
366.
House Jour-
nal, pp. 12, 46,
53, 54. Prov-
ince Laws, ii.,
151, chap. 10.

CHAPTER 27.

ORDER GRANTING TO JOHN FARRER 600 ACRES OF EQUIVALENT LAND.

Legislative
Records of the
Council, xxii.,
366.

Maps and
Plans, *Mis.*, v.,
21. House
Journal, p. 402
(April, 1757);
pp. 49, 54.
Province
Laws, x., 91,
chap. 27.

A PETITION of John Farrar of Concord in the County of Middlesex setting forth, That in 1719. he purchased of the province a Right in a New Township called North Town and complied with the Conditions required of him, by the then General Court; that after making considerable Improvements thereon, he Sold the same to Benjamin Brooks who has lately been ejected by the proprietors of Dunstable out of the most Valuable part of the premisses, to make good whose Damage he has been obliged to give up all his Estate both Real and personal to the utter Ruin of himself and Family; unless prevented by the Interposition of this Court, and praying the compassionate Consideration of this Court; and that such Relief may be granted him as they shall judge reasonable.

Read and

Ordered That the prayer of this petition be so far granted, as that there be and hereby is granted Six hundred Acres of the Unappropriated Lands of the province, to the petitioner his heirs and Assigns forever, as an Equivalent for the Land of which he was Ousted by the proprietors of Dunstable in the Year. 1754. provided the same be laid out Contiguous to some former Grant of the Court, and not interfering therewith, And that the petitioner return a plat thereof in twelve months from this time to the General Court for Confirmation. [*Passed June 13.*]

CHAPTER 28.

ORDER APPOINTING A COMMITTEE TO VIEW THE SECOND PARISH IN NEWBURY.

Legislative
Records of the
Council, xxii.,
241, 361.

Legislative
Records of the
Council, xx.,
357. House
Journal, p. 315
(March, 1758);
pp. 40, 44, 58.
Post, p. 257,
chap. 114.

A PETITION of Stephen¹ Bayley and others Inhabitants in the Westerly part of the second parish in Newbury, setting forth their difficulties by reason of their Situation in Attending the publick Worship in said parish; that some of them live nearer to the meeting house in the fourth parish, and some of them have their Estates divided by the running of the parish line; And praying that they with their Estates may be annexed to the fourth parish.

The Committee appointed Yesterday on the Petition of Joshua Bailey and others of Newbury Reported That a Committee be sent to view the parish, and the Situation and Circumstances of the Petitioners, and make report thereof to the Court.

Signed JOHN HILL.

In Council; Read and Accepted and

Ordered that James Minot Esq^r with such as the honourable House shall appoint be a Committee to repair to the said parish to view the Situation and Circumstances of the Petitioners, as also the Situation & Circumstances² of James Ordway and others in their peti-

¹ The House Journal, p. 315, and Legislative Records of the Council, p. 357, reads, "Joshua." See also *post*, chap. 114.

² The words "of the Petitioners . . . Circumstances," do not occur in the House Journal, p. 58.

tion mentioned and report to this Court what they think proper to be done thereon.

In the House of Representatives; Read and Concurred and M^r Cushing and M^r Hobson are joined in the Affair. [*Passed June 14.*¹

CHAPTER 29.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF JOSEPH PAGAN AND OTHERS, INDIANS, IN REGARD TO COMPLAINTS AGAINST THEIR TRUSTEES.

A PETITION of Joseph Pagan and others Indians, proprietors of a Tract of Land in the Township of Dudley setting forth divers Grievances they labour under, occasioned by the Conduct of some of their Overseers or Guardians; And praying Relief.

The Committee appointed the 12 Instant on the Memorial and complaint of Joseph Pagan and others, Indian proprietors of Lands in Dudley Reported their Opinion That a Committee be appointed to repair to said Town there to hear the parties and their Evidences and report to this Court

Signed SAM^l WATTS p order.

In Council

Read and accepted and

Ordered That James Minot Esq with Such as the honourable House shall join be a Committee to repair to Dudley, hear the Indians in support of their Complaint; as also the Persons complain'd of, and make Report to the Court.

In the House of Rep^{ts}

Read and Concurred, and Cap^t Richardson & M^r Witt are joined in the Affair.² [*Passed June 14.*

Legislative
Records of the
Council, xxii.,
363, 365. Mass.
Archives,
xxxiii., 63.
House Jour-
nal, pp. 51, 61.

CHAPTER 30.

RESOLVE ALLOWING £20 TO WILLIAM BAKER.

A PETITION of William Baker setting forth the great increase of his business in waiting and attending on the Great and General Court and their Committees, which has laid him under a Necessity of procuring Assistance; And praying an allowance therefor.

Read and

Resolved That there be allowed and paid out of the publick Treasury to the petitioner the sum of Twenty pounds in Consideration of his extraordinary Services and Expences mentioned. [*Passed June 14.*

Legislative
Records of the
Council, xxii.,
368.
House Jour-
nal, pp. 438, 443
(April, 1758);
pp. 19, 58.
Ante, p. 126,
chap. 280.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is June 10.

² At the hearing, October 11, 1758, this petition was dismissed. See Legislative Records of the Council, xxii., 394; the House Journal, p. 93.

CHAPTER 31.

RESOLVE ALLOWING £3. 15. 10 TO THE HEIRS OF SAMUEL GOLDTHWAIT.

Legislative
Records of the
Council, xxii.,
368. Mass.
Archives,
lxxvii., 617.

House Jour-
nal, pp. 28, 51.

A PETITION of Benjamin Pickman Esq^r in behalf of the Heirs of Samuel Goldthwait deceased, a Soldier in the publick Service in 1757. praying that they may be Allowed Three pounds fifteen shillings made up short in Capt. Tapleys Muster Roll.

Read and

Resolved, That there be allowed & paid out of the public Treasury to the Petitioner the sum of three pounds fifteen Shillings and ten pence for the use of y^e Heirs of Sam^l Goldthwait deceased, being the Balance due for wages whilst in the service the last Year in the forces raised by this Governm^t under the Command of his Excellency the Earl of Loudoun. [*Passed June 14.*]

CHAPTER 32.

VOTE IN REGARD TO THE FRENCH INHABITANTS FROM NOVA SCOTIA.

Legislative
Records of the
Council, xxii.,
369. Mass.
Archives,
xxiv., 57.

Province
Laws, iv., 99,
note. *Ante*,
p. 163, chap.
377.

Voted that Dwelling houses be provided for the late Inhabitants of Nova Scotia now in the Province this Year as heretofore; that the Sick, Infirm & Aged who cannot Labour be maintained at the Expence of this Government as heretofore; and that all able Bodied Persons be obliged, until the further order of this Court to maintain themselves & Families; and that the Select men of the several Towns where they are, upon their desire, assist them to Employment and take care they are not defrauded; and that the Members of the House be directed to inspect the circumstances of Age, Infirmary, Sickness, orphanship & Ability of such Persons in their respective Towns, and the Towns next adjoining where there is no Representative, & where such Return has not been already made. and Report to this Court at the next sitting.¹ [*Passed June 14.*]

CHAPTER 33.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ALEX^s CHAMBERLAIN TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxii.,
369.

House Jour-
nal, pp. 60, 61.

A PETITION of Alexander Chamberlain of Boston Sailmaker setting forth, that he formerly carried on the business of a Sailmaker in partnership with Charles Morris now at Halifax, that in the year 1735. the said Charles agreed to quit, the business in favour of the petitioner upon his Covenanting to pay him Eighty pounds old tenor p Annum during the term of ten years, That the petitioner gave his Bond to the said Charles accordingly, and in the Space of eight years had paid the whole sum stipulated, and charged the said Charles with it, but had neglected to see the same endorsed on the Bond; That he had besides advanced for the said Charles

¹ Not found in the House Journal.

upwards of Two thousand pounds Old tenor which he now owes him, notwithstanding Which he has put the said Bond in Suit, and recovered Judgment upon it for upwards of Four hundred pounds lawful money and Costs, and the said Charles having no Estate here whereby he can Secure himself praying that the Superiour Court for the County of Suffolk may be impowered at their next Session to review said Action to examine into and determine the Justice of the petitioners Accounts ascertain what is due, and apply the same towards discharging the said Bond, or that he may be otherwise relieved

Read and

Ordered That the petitioner serve the Attorney to the Adverse party with a Copy of this petition that he shew cause (if any he have) on the second Friday of the next Sitting of this Court why the prayer thereof should not be granted, and that Execution on the Judgment mentioned be stayed in the meantime, provided he give sufficient caution to the Sheriff of the County of Suffolk to respond the Judgment that may be finally recovered against him, with the Interest arising thereon from this time.¹ [*Passed June 14.*

CHAPTER 34.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY BILLETING ACCOUNT OF HEZEKIAH WHITCOMB TO HIS HEIRS.

Voted That the Treasurer be and he hereby is directed to pay to William Richardson Esq^r for the Use of the Heirs of Hezekiah Whitcomb deceased the Sum allowed for his billeting on his Return from the Army on the Expedition against Crown point in the Year. 1755. as carried out in Capt. Goodenough's Muster Roll. [*Passed June 14.*

Legislative
Records of the
Council, xxii.,
370.

House Jour-
nal, p. 55.

CHAPTER 35.

ORDER GRANTING TO W^m LAWRENCE, ESQ^r, 353 ACRES OF EQUIVALENT LAND.

A PETITION of William Lawrence Esq^r of Groton in the County of Middlesex setting forth that he had purchased upwards of Three hundred Acres of Land part of a Tract adjoining to Groton, granted by the Great and General Court about thirty five years since, and erected into a Township called Townshend, that the petitioners purchase by the running the Line about sixteen years ago fell into the province of New Hampshire, and he is thereby deprived of his said Land And praying for an Equivalent

Read &

Ordered that the Prayer of the Petition be so far granted as that there be & hereby is Granted to the Petitioner his heirs & assigns forever Three hundred & fifty three acres of the unappropriated Lands of this Province in full satisfaction of the same Quantity of Land taken away from him by running the Line between this Province & New Hampshire & that he have Liberty to lay out the same

Legislative
Records of the
Council, xxii.,
370. Mass.
Archives,
cxvii., 360.

Mass.
Archives,
cxvii., 359.
House Jour-
nal, p. 412
(April, 1757);
p. 58. Prov-
ince Laws, x.,
24, chap. 47;
xiii., 650, chap.
169.

¹ At the hearing, January 31, 1759, this petition was dismissed. See Legislative Records of the Council, xxii., 487; the House Journal, p. 233.

by a Surveyor & chain men on Oath & Return a Plan thereof to this Court for Confirmation within two Years from this Time.
[*Passed June 14.*

CHAPTER 36.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative
Records of the
Council, xxii.,
373.

THE ACCOUNT of Jeremiah Moulton Esq^r Treasurer of the County of York being laid before the Court.

Read and

House Jour-
nal, pp. 30, 31,
58.

Ordered That this Account be allowed, and that the Ballance thereof being Sixty eight pounds ten shillings and nine pence, the said Treasurer be further Accountable to the said County for.
[*Passed June 15.*

CHAPTER 37.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxii.,
373.

THE ACCOUNT of Gardner Chandler Esq^r Treasurer of the County of Worcester being laid before the Court.

Read and

House Jour-
nal, pp. 30, 31,
64.

Ordered That this Account be allowed except one Article of one shilling and eight pence, and two pence wrong Cast, and that the Ballance thereof being Seventy seven pounds, three shillings and one penny farthing the said Treasurer be further Accountable to said County for. [*Passed June 15.*

CHAPTER 38.

RESOLVE ALLOWING £4. 10 TO DAVID OSGOOD, ADM^r.

Legislative
Records of the
Council, xxii.,
373. Mass.
Archives,
lxxvii., 554.

A PETITION of David Osgood of Billerica Administrator of the Estate of Zaccheus Shead late of Billerica deceased; setting forth That the said Zaccheus in the year. 1757. went in the Service upon the Crown point Expedition and was taken Captive after the Surrender of Fort William Henry and did not return till the 18th day of October, but was made up in the Muster Roll to the 9th day of August and no longer, And praying a further Allowance.

Mass.
Archives,
lxxvii., 554.
House Jour-
nal, pp. 22, 60.

Read and

Resolved That there be allowed and paid out of the public Treasury to Cap^t Enoch Kidder for the use of the Petitioner as Administrator of the Estate of Zaccheus Shead deceased, the sum of four pounds ten shillings in full of the Balance due to y^e Said Zaccheus for Wages the last year, omitted in Cap^t Chever's Muster Roll.
[*Passed June 15.*

CHAPTER 39.

RESOLVE ALLOWING £2. 8 TO JOSEPH PORTER.

A PETITION of Joseph Porter of Braintree setting forth, That his Servant John Hollis went in the Service upon the Crown point Expedition in 1756 and being taken lame was detained Six days after the Army was dismissed, remained ill some time at Glasgow, and finally hired a Man and Horse to bring him home, And praying an Allowance.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of two pounds eight Shillings in full for his Expences occasioned by the Lameness and Sickness of his Said Servant John Hollis a Soldier in the Service at Lake George in the Year 1756. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
374. Mass.
Archives,
lxxvi., 405.
Mass.
Archives,
lxxvi., 405.
House Jour-
nal, pp. 15, 63.

CHAPTER 40.

ORDER SUBSTITUTING MR [STEPHEN] HALL FOR MR [JOHN] TYNG AS ONE OF THE LOTTERY MANAGERS.

Ordered, That M^r Hall be one of the Managers for carrying on one or more Lotteries for Supplying the Treasury with a Sum of Money, in the Room of M^r Tyng who desires to be excused from that Service. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
375. Mass.
Archives, ciii.,
671.

Legislative
Records of the
Council, xxii.,
268. House
Journal, p. 65.
Province
Laws, iv., 88,
chap. 35; 142,
note.

CHAPTER 41.

ORDER APPOINTING A COMMITTEE TO INQUIRE INTO FRAUDS AGAINST THE GOVERNMENT AND MISTAKES TO THE PREJUDICE THEREOF.

Ordered That Benjamin Prat Esq^r M^r Tyng, Col^o White, M^r Boardman, M^r Morey, M^r Niles and M^r Flucker¹ be a Committee to make inquiry into all Frauds committed against the Government, and Mistakes to the prejudice thereof, and report thereon, and that the said Committee be & hereby are empowered to Send for persons and papers as they shall think proper. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
376.
House Jour-
nal, p. 66.

¹ The House Journal, p. 66, reads, "Mr. Fletcher," which is a mistake.

CHAPTER 42.

ORDER APPOINTING A COMMITTEE TO ASSIST THE PROVINCE TREASURER IN BORROWING MONEY.

Legislative
Records of the
Council, xxii.,
376. Mass.
Archives, ciii.,
670.

House Jour-
nal, p. 59.

In the House of Rep^{rs}

Ordered, That M^r Speaker and M^r Flucker, with such as the Hon^b Board shall join be a Committee to Assist the Treasurer in endeavouring to borrow Money for the use of the Province, in the present exigency of Affairs.

In Council Read and Concurred and John Erving Esq^r is joined in the Affair. [*Passed June 15.*]

CHAPTER 43.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
376.

Mass.
Archives,
lxxvi., 500;
lxxvii., 566, 597,
598, 610, 611.
House Jour-
nal, pp. 65, 66.

Resolved That there be allowed and paid out of the publick Treasury to M^r Edward Bacon for the Use of Lot Case Four pounds six shillings; To Joseph Buckminster Esq^r for the Use of Nathaniel Ballard Forty shillings; To Edward Hartwell Esq^r for the Use of Abraham Sanderson Three pounds; To M^r Fellows Billing for the Use of Israel Hubbard Three pounds ten shillings; To M^r Daniel Whitney for the Use of Fanning Learned Forty shillings; To M^r John Temple for the Use of Mary Merrow Three pounds thirteen shillings and four pence in full Consideration of the Expences in their petitions respectively mentioned. [*Passed June 15.*]

CHAPTER 44.

ORDER ALLOWING THE SELECTMEN OF THE TOWN OF MILTON TO REMOVE FIVE FRENCH INHABITANTS THEREOF TO THE TOWN OF WRENTHAM.

Legislative
Records of the
Council, xxii.,
377. Mass.
Archives,
xxiii., 533.

Mass.
Archives,
xxiii., 532.
House Jour-
nal, p. 345
(March, 1758);
pp. 64, 66.
Province
Laws, iv., 100,
note; xv., 529,
chap. 2.

A PETITION of Benjamin Fenno and others Selectmen of Milton setting forth That eighteen of the late French Inhabitants of Nova Scotia have been sent to that Town, which they apprehend exceeds their proportion, and praying for Relief.

Read and

Ordered, That the Select Men of the Town of Milton be and they hereby are allowed at the Charge of said Town to remove five of the french People now there to the Town of Wrentham: And the select Men of the said Town of Wrentham are hereby directed to receive the said french People, And to provide for them as is directed by the orders of this Court. [*Passed June 15.*]

CHAPTER 45.

RESOLVE ALLOWING £3.4 TO SAM^L HARRIS.

A PETITION of Samuel Harris setting forth That he was a Soldier in the Crown point Expedition in 1756. and that he continued two Months after the Army was disbanded to attend Lieu^t John Smith who was Sick at the Half Moon; for which Service he has received no Allowance, And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the within named Richard Billings for the use of Samuel Harris the Sum of Three pounds four Shillings in full Consideration for his Services Mentioned. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
377. Mass.
Archives,
lxxvii., 590.

Mass.
Archives,
lxxvii., 589.
House Jour-
nal, pp. 62, 66.

CHAPTER 46.

ORDER APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

In the House of Rep^{rs}

Ordered, That M^r Speaker, M^r Tyng, M^r Flucker And Benjamin Prat Esq^r with such as the hon^{le} Board shall join, be a Committee to repair to the Treasurers in the recess of the Court, take an Account of the Government Securities now in his Hands, and see the same consumed to Ashes, and report at the next Sitting of the Court.

In Council

Read and Concurred and Capⁿ Osborne Col^o Wendell, and Col^o Brattle are joined in the Affair. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
377. Mass.
Archives, ciii.,
672.

House Jour-
nal, p. 66.

CHAPTER 47.

RESOLVE ALLOWING £2.6 TO THE ADMINISTRATORS OF THE ESTATE OF EDWARD AYRES.

A PETITION of Edward Ayres and Jedediah Ayres Administrators of the Estate of Edward Ayres late of Ware River in the County of Hampshire deceased setting forth That the said Edward inlisted in the two Expeditions to Crown point in 1755 and 1756. and was thereby intitled to half pay and during the intermediate Space, but that the same was omitted in the muster Roll And praying that it may now be allowed them.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioners the sum of two pounds six shillings in full of y^e half pay the said Edward dec^d was entitled to on his reinlistment into the service on the last Crown point Expedition. [*Passed June 15.*]

Legislative
Records of the
Council, xxii.,
378. Mass.
Archives,
lxxvii., 574.

Mass.
Archives,
lxxvii., 574.
House Jour-
nal, pp. 14, 15,
67, 68. Prov-
ince Laws, xv.,
452, chap. 310.

CHAPTER 48.

VOTE IMPOWER^d M^r BOLLAN TO RECEIVE MONEY GRANTED BY PARLIAMENT OR OTHERWISE ALLOWED.

Legislative
Records of the
Council, xxii.,
378.

Mass.
Archives,
xxii., 15.
House Jour-
nal, p. 68.

In Council;

Voted That M^r Secretary Oliver in behalf of this Board, and M^r Speaker Hubbard in behalf of the House of Representatives be impowered to execute a proper Instrument to Authorize William Bollan Esq^r to receive such Sum or Sums of Money as may have been granted by Parliament or otherwise allowed to the province to reimburse or compensate the Charge of provision or any other Charge in the Expedition in the year One thousand seven hundred and fifty six, and to give discharge for any Sum or Sums so received, and that his Excellency be desired to sign such Instrument as Governor of the province, And on M^r Bollans receiving the Money that he Ship it for New England by one or more of his Majesty's Ships so soon as may be, and cause the same to be insured.

In the House of Representatives; Read and Concurred. [*Passed June 15.*]

CHAPTER 49.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxii.,
379.

House Jour-
nal, p. 68.

Ordered That all Matters lying before this Court that have not already been or shall not be passed on before the Court rises be referred over, and have the same day at the next Sitting. [*Passed June 15.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FOURTH DAY OF OCTOBER, A.D. 1758.

CHAPTER 50.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

THE ACCOUNT of Joshua Henshaw Esq^r Treasurer for the County of Suffolk being laid before the Court.

Read and

Ordered That this Account be allowed and that the ballance thereof being One hundred and Seventy four pounds eleven shillings and eleven pence half penny the said County be Accountable to the said Treasurer for; and that the said Treasurer further Account with the said County for sundry outstanding debts amounting to One hundred and nineteen pounds sixteen shillings and six pence half penny when he shall receive the same. [*Passed October 6.*]

Legislative
Records of the
Council, xxii.,
386.

House Jour-
nal, pp. 31, 78.

CHAPTER 51.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR BURNING GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £55,998. 16. 8.

THE COMMITTEE appointed on the 15th of June last, to take an Account of the Government Securities in the hands of the province Treasurer and See the same consumed to Ashes, made the following Report Viz^t

Received of Mr Treasurer Gray Government Securities Redeemable 1 January. 1757. Amounting to One hundred Sixty eight pounds which with the Interest of Twenty six pounds seven shillings and eight pence makes One hundred Ninety four pounds seven shillings and eight pence; Also Government Securities payable 10th June. 1757. amounting to Four thousand and eight pounds fifteen shillings and ten pence which with the Interest of Four hundred and forty eight pounds seventeen shillings and two pence makes Four thousand four hundred and fifty seven pounds thirteen shillings. Also Government Securities payable in June. 1758. Amounting to Forty six thousand six hundred and five pounds four shillings and eight pence which with the Interest of Two thousand two hundred and Ninety eight pounds nine shillings and four pence makes Forty eight thousand nine hundred and three pounds fourteen shillings. Also with Government Securities redeemable 10th June. 1758. out of the Parlia-

Legislative
Records of the
Council, xxii.,
386. Mass.
Archives, ciii.,
674.

Mass.
Archives, ciii.,
673. House
Journal, p. 78.
Ante, p. 227,
chap. 46.

mentary Grant amounting to Two thousand two hundred and sixty three pounds twelve shillings and eight pence which with the Interest of One hundred and Seventy nine pounds nine shillings and four pence makes Two thousand four hundred and forty three pounds two shillings. All which Securities with the Interest paid thereon Amount to Fifty five thousand nine hundred and ninety eight pounds sixteen shillings and eight pence which we have seen burnt and consumed to Ashes.

J. OSBORNE *p* order.

Read and

Resolved, That this Report be Accepted, and That the Province Treasurer be discharged of the said several sums Accordingly. [*Passed October 6.*]

CHAPTER 52.

ORDER ALLOWING THE ACCO^t OF GUARDIANS OF PUNKAPOAG INDIANS.

Legislative
Records of the
Council, xxii.,
387.

THE ACCOUNT of Robert Spur Esq^r and others Guardians of the punkapoag Indians being laid before the Court for Allowance.

Read and

House Jour-
nal, pp. 46, 79.
Province
Laws, xv., 238,
chap. 171; 287,
chap. 302.

Ordered That this Account be allowed and that the Amount thereof being Nine pounds and two pence be paid to the said Guardians when so much shall come into their hands by the Sale of said Indians Lands. [*Passed October 6.*]

CHAPTER 53.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BRISTOL AND ALLOWING 31/ FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
388.

THE ACCOUNT of George Leonard Esq^r & others a Committee for farming the Excise on Coffee Tea &c. in the County of Bristol, having Sold the same for Seven pounds one shilling, Charges thereof Thirty one shillings.

House Jour-
nal, p. 79.
Ante, p. 122,
chap. 269.

Read and Accepted and

Resolved That there be allowed and paid out of the publick Treasury to the said Committee the sum of Thirty one shillings in full for their time and Expences in said Service. [*Passed October 7.*]

CHAPTER 54.

VOTE IMPOWERING THE GUARDIANS OF PUNKAPOAG INDIANS TO SELL LANDS, WITH POWER TO SUE DELINQUENT PURCHASERS.

Legislative
Records of the
Council, xxii.,
390. Mass.
Archives,
xxxiii., 70.

In the House of Representatives

Whereas it has been represented to this House by Robert Spur Esq^r and others Guardians to the Punkapouge Indians, who were Ordered by this Court on the 21st of april last to make Sale of part of s^d Indians lands in Small lotts, That Said lands would Sell to

greater advantage, if they might be Sold in Such Quantity or Quantities as will be Sufficient for Settlements,

And that the Collecting the moneys Ordered to be paid by the abutters on Said Indians lands is also attended with Difficulty Therefore

Voted That the Said Guardians or their Successors, be authorized and Directed to make Sale of Said lands in such lotts as will be most advantageous to the Indians and the Purchasers of Said lands, and also in case any of the abutters Shall refuse to make payment of the respective Sums affixed to their Names in the Skidule¹ annexed to Said order, The Said Guardians are hereby authorized and Directed to bring their action or actions against them or either of them for the Recovery of said Sums.

In Council Read and Concurred. [*Passed October 7.*]

House Journal, pp. 83, 84.
Province Laws, xv., 238, chap. 171; 287, chap. 302.
Ante, p. 178, chap. 414.

CHAPTER 55.

VOTES ACCEPTING THE REPORT OF COMMITTEE APPOINTED TO PROJECT A PLAN FOR THE RELIEF AND SUBSISTENCE OF SICK SOLDIERS ON THEIR RETURN HOME.

THE COMTEE appointed to project Some proper method for the Subsistence and Relief of the Soldiers belonging to this Province under the Command of General Abercrombie have attended that affair And by the Information they have rec^d Its highly probable, that many of the Troops belonging to this Province, that have been permitted to return for the recovery of their health, are in a Suffering Condition in diverse places between Sheffield and Fort Edward

The Comtee are therefore of Opinion, That his Excellency be desir'd to appoint two Suitable Persons one of which to be a Physician under proper Instructions, Forthwith to repair to those Places, and provide for the relief Support and comfort of Such Sick Persons, in the best manner they can and as Soon as they Shall Judge them able to Travel, to Send them to their respective homes, with a Certificate, which upon their producing, The Several Taverners on the Roads within this Province be directed to afford them Suitable and necessary Subsistence at y^e Charge of this Gov^t and notice hereof be given in the Publick Prints accordingly

And whereas it is highly probable also that many of the Troops belonging to this Province may happen to be Sick or maimed when or at y^e time the Provincials Shall or may be dismiss'd The Comtee are therefore further of the opinion that his Excellency be desir'd to appoint & order Some Proper officer with a Physician to take care of Such persons and provide for their Support & relief untill they may come within this Province, then to be provided for as aforesaid, and as Soon as they are able to return, to Send them to their respective homes with proper Certificates

And that the Colonels or cheif Commanding Officers of the respective Regiments be directed by his Excellency to Return to Such Officer a List of the Names of all Such Persons as may be Sick or wounded, and of the Companys & places to which they belong that so they may be known & provided for,

All which is humbly Submitted

by order of y^e Committee

JACOB WENDELL

Legislative Records of the Council, xxii., 391. Mass. Archives, lxxviii., 20.

Mass. Archives, lxxviii., 18. Legislative Records of the Council, xxii., 389. House Journal, pp. 80, 81, 88.

¹ Not found.

Read and Accepted; And Whereas it is highly probable That many of the Troops belonging to this Province, that have been permitted to return for the Recovery of their health, are in a suffering Condition in diverse places between Sheffield and Fort Edward;

Voted, That his Excellency the Governor be desired to appoint Two suitable persons, one of which to be a Physician, under proper Instructions, forthwith to repair to those places, and provide for the relief support and Comfort of such sick persons, in the best manner they can; and as soon as they shall judge them able to travel, to send them to their respective homes with a Certificate, which, upon their producing, the several Taverners upon the Roads within this Province hereby are directed to afford them suitable and necessary subsistence at the charge of this Government: And That notice hereof be given in the public prints Accordingly.

And Whereas it is highly probable also, That many of the Troops belonging to this Province may happen to be sick or maimed when or at the Time the Provincials shall or may be dismissed; Further

Voted, That His Excellency be desired to appoint and order some proper Officer, with a Physician, to take care of such persons, and provide for their support and relief until they may come within this Province, (then to be provided for as aforesaid;) And as soon as they are able to return, to send them to their respective homes, with proper Certificates: And That his Excellency be desired to Direct the Colonels or chief Commanding Officers of the respective Regiments to return to such Officer a List of the names of all such persons a¹ may be sick or wounded, and of the Companies and places to which they belong, That so they may be known and provided for. [*Passed October 10.*]

CHAPTER 56.

VOTE FOR CONTINUING THE ESTABLISHMENT OF SUNDRY FORTS AND GARRISONS AND OF THE PROVINCE SHIP "KING GEORGE, &c."

Legislative
Records of the
Council, xxii.,
392. Mass.
Archives,
lxxviii., 25.

House Jour-
nal, pp. 77, 84,
85, 90. *Ante*,
p. 155, chap.
358; p. 158,
chap. 365;
p. 211, chap. 9.

Voted, that the Establishment for the Forces at Fort Massachusetts, West Hoosuck, Sheldons Garrison, Burks Garrison, Fort Halifax, Cushnock & George's Fort shall be continued from the Expiration of the last Establishment, and the same Establishment continued until the next sitting of this Court.

That there be Pay & Subsistence allow'd for twelve Men at Morrisons Garrison at Colerain; for Nine Men at Hawkes Garrison at Charlemont, for Nine Men at Taylors Garrison at the same Town at Rices at the same Town for four men; that there be pay & Subsistence allowed for 1 Cap^{tn} & 5 Searg^t to command the men at Sheldons Garrison Burks Garrison Morrisons Garrison Hawkes Garrison Taylors Garrison & Rices Garrison For the Garrison at Saco for one Sergeant one Corporal & eight privates; For the Fort at Pemquid for one Sergeant, one Corporal & eight Privates, & so continued to the next sitting of this Court; and that the Pay & Subsistence from the Expiration of the last Establishment for the last mentioned Garrisons & Forts shall be continued to this time according to the tenor of the last Establishment for those places.

That the Establishment for the Scouting Parties for the East-

¹ *Sic.*

ward Frontiers & for Burtons & Hendersons Garrisons be continued from the Expiration of the last Establishment until the last day of October Current & no longer, and that his Excellency the Governor be desired then to Dismiss them.

That his Excellency the Governor be desired to Dismantle the Brunswick Fort & also now to dismiss all the rest of the Forces that were pursuant to the last Establishment employed for the Defence of the Eastern & Western Frontiers and are not already dismissed or provided for by the continuance of part of the same establishment, and that they be allowed their Pay & Subsistence from the Expiration of said last Establishment until their Dismission according to the Tenor of said last Establishment.

That from the fifteenth day of October Current until the further order of the Court the Establishment for the Ship King George shall be for only one Captain at y^e rate of £4 p month one Boatswain & two private Seamen, and that the Boatswain & seamen be allowed their Pay & subsistence according to the Tenor of the last Establishment; and that his Excellency the Governor be desired on said fifteenth day of October Current to dismiss all the rest of the Officers & privates of said Ship, provided that if s^d Ship shall not be arrived on s^d 15 of October the present Establishment shall continue until her arrival. [*Passed October 10.*]

CHAPTER 57.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, AND CHINAWARE FOR THE COUNTY OF NANTUCKET AND ALLOWING 17/ FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee and China Ware in the County of Nantucket reported that they had Sold the same to Thomas Arthur for Nine pounds Six shillings and eight pence, and pray'd Allowance of their Charge Seventeen shillings Read and Accepted and

Resolved That there be allowed and paid out of the publick Treasury to the said Committee the sum of Seventeen shillings in full for their time and expences in said Service. [*Passed October 11.*]

Legislative
Records of the
Council, xxii.,
395.

House Jour-
nal, pp. 89, 90.
Ante, p. 123,
chap. 272.

CHAPTER 58.

ORDER IMPOWERING THE ASSESSORS FOR THE TOWN OF LEICESTER AND DISTRICT OF SPENCER IN REGARD TO ASSESSMENT OF TAXES.

A PETITION of Benjamin Tucker in behalf of the Town of Leicester and District of Spencer setting forth, That a number of persons who for many years past paid Rates as Inhabitants of the Town of Leicester were the last Year set off to the District of Charlton, and that twenty six polls, who paid their proportion of the publick Taxes as Inhabitants of Spencer, were also the last Year set off to Charlton; That a number of others who paid Rates as Inhabitants of Leicester were this Year set off to the Town of Worcester; notwithstanding which the said Town of Leicester and District of Spencer are Assessed in full proportion to their former province

Legislative
Records of the
Council, xxii.,
395.

House Jour-
nal, pp. 82, 90.
Ante, p. 7,
chap. 1; p. 15,
chap. 21.

Taxes, and the said District of Charlton and Town of Worcester have no addition made to their province Taxes on account of their Additional numbers; And praying that they may be allowed to assess the said persons as has been hitherto done in the said Town of Leicester and District of Spencer.

Read and

Ordered That the prayer of this petition be granted, and that the Assessors for the Town of Leicester and District of Spencer be and they hereby are impowered and directed to Assess the polls and Estates of those persons lately taken from them and annexed to the Town of Worcester and District of Charlton their due proportion as usual to the province Tax set on said Town of Leicester and District of Spencer the present Year; And that the Assessors for the Town of Worcester and District of Charlton be directed not to Assess the said persons in said Town and District the present Year. [*Passed October 11.*]

* CHAPTER 59.

VOTE CONTINUING THE ESTABLISHMENT OF THE FORCES.

Legislative
Records of the
Council, xxii.,
396. Mass.
Archives,
lxxviii., 21.

House Jour-
nal, p. 93.
Province
Laws, iv., 86,
chap. 34; 141,
note. *Ante*,
p. 153, chap.
353.

Voted, That His Excellency the Governor be desired to acquaint the General and the several Colonels of the Troops raised by the Government of this Province, That Notwithstanding the Time for which the Troops of this Province are engaged, does expire on the first day of November next, Yet if their service beyond that Time will promote the General Invasion of Canada by an attempt on Crown Point or Tionderogo¹ this Campaign, their pay shall be continued untill the 15th day of November next; and That the several Colonels be directed to inform the Officers and privates Accordingly. [*Passed October 12.*]

CHAPTER 60.

ORDER DISMISSING THE MEMORIAL OF ROBERT HEWES AND APPOINTING A COMMITTEE IN REGARD TO FURTHER ACTION THEREON.

Legislative
Records of the
Council, xxii.,
396. Mass.
Archives, cv.,
588.

Legislative
Records of the
Council, xxii.,
348, 349, 396.
House Jour-
nal, pp. 26, 27,
36, 37, 39, 92, 93,
94, 95, 96. *Ante*,
p. 215, chap.
16.

In Council

An Hearing having been had before the Two Houses on the Memorial of Robert Hews referred to in his Excellency's Message of the 3^d of June last.

Unanimously

Resolved.

That the said Robert Hews hath not in any Measure supported the Allegations in said Memorial against John Wheelwright Esqr or his Son M^r Nathanael Wheelwright: Nor the Charges against divers Gentlemen who were heretofore appointed by the Great and General Court to inquire into that Affair.

Therefore

Ordered That the said Memorial be dismissed as Groundless. And that Samuel Watts and James Minot Esq^{rs} with Such as the Honourable House shall join be a Committee to take under consideration his Excellency's said Message and make Report what they judge proper to be further done in the Affair.

¹ *Sic.*

In the House of Rep^{rs}

Read and Concurred; And M^r Stone M^r Hatch & M^r Flucker are joined in the Affair. [*Passed October 12.*]

CHAPTER 61.

RESOLVE GRANTING £100 FOR THE RELIEF OF SICK SOLDIERS.

Resolved, That there be allowed and paid out of the public Treasury the sum of One hundred pounds into the hands of those Gentlemen that may be Appointed by his Excellency to proceed to the Westward to take Care of such of the Troops raised by this Government under the Command of General Abercrombie, as are sick and infirm between Sheffield and Fort Edward on their return home: And That, if any further Sum is found necessary, they make Application to His Excellency the Governor therefor, who is hereby desired with the Advice of the Council to issue a Warrant or Warrants therefor so far as shall be judged reasonable: The said Gentlemen to be Accountable for all such sums as they may receive. [*Passed October 12.*]

Legislative
Records of the
Council, xxii.,
397. Mass.
Archives,
lxxviii., 22.

House Jour-
nal, p. 95.
Ante, p. 231,
chap. 55.

CHAPTER 62.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

THE ACCOUNT of Daniel Russell Esq^r Treasurer of the County of Middlesex being laid before the Court for their Allowance.

Read and

Ordered That this Account be allowed, and that the Ballance thereof being two hundred seventy eight pounds fourteen shillings and eleven pence¹ the said Treasurer be further accountable to the County for. [*Passed October 12.*]

Legislative
Records of the
Council, xxii.,
398.

House Jour-
nal, pp. 81, 82.

CHAPTER 63.

VOTE TO EMPLOY TWO PERSONS TO GO TO THE RELEIF OF SICK SOLDIERS.

WHEREAS it is very probable, That many of the Soldiers belonging to this Province that may be on the Road between Albany and the Oneida Carrying place on their Return home for the Recovery of their Health, are in a suffering Condition.

Voted, That his Excellency the Governor be desired to appoint two suitable persons, one of which to be a Physician, under proper Instructions, forthwith to repair thither, & provide for the relief, support & Comfort of such sick persons in the best manner they can; And as soon as they shall be Able to travel, to send them with proper Certificates to Green Bush, where they shall be under the Care of the Gentlemen that may be appointed to take Care of the sick & infirm Soldiers between Sheffield and Fort Edward, and to be provided for by them in the same manner. [*Passed October 13.*]

Legislative
Records of the
Council, xxii.,
398. Mass.
Archives,
lxxviii., 27.

House Jour-
nal, p. 95.
Supra, chap.
61.

¹ The House Journal, p. 82, adds, "*one Farthing.*"

CHAPTER 64.

ORDER APPOINTING A COMMITTEE TO SEND WOMEN AND CHILDREN FROM NOVA SCOTIA AWAY AND ALLOWING £200 FOR EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
399.

Legislative
Records of the
Council, xxii.,
385, 388, 392.
House Jour-
nal, pp. 76, 81,
82, 89, 98 *bis*,
100. Province
Laws, iv., 229,
note.

THE COMMITTEE appointed to take under Consideration the State and Circumstances of the Women and Children lately sent hither from Nova Scotia having further reported as their Opinion that they go either by Land or Water to the County of Albany, and that speedy provision be made therefor accordingly.

In the House of Representatives; Read and Accepted, and

Ordered That Mr Flucker and Mr Goldthwait with such as the honourable Board shall appoint be a Committee to take care that the said Women and Children be sent away accordingly in the cheapest manner that may be, and that there be allowed to be paid out of the publick Treasury the sum of Two hundred pounds into the hands of said Committee for the purposes aforesaid they to be Accountable.

In Council; Read and Concurred, and Samuel Watts Esq^r is joined in the Affair. [*Passed October 13.*]

CHAPTER 65.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxii.,
399.

House Jour-
nal, pp. 31, 102.

THE ACCOUNT of Mr John Cotton Treasurer for the County of Plymouth being laid before the Court for their Allowance

Read and

Ordered That this Account be allowed, and that the Ballance thereof being Two pounds three shillings and three pence the said County be further Accountable to the said Treasurer for. [*Passed October 13.*]

CHAPTER 66.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxii.,
399.

House Jour-
nal, p. 102.

Ordered That all Matters lying before this Court that have not been or shall not be passed on, before the Court rises, be referred over and have the same day at their next Sitting. [*Passed October 13.*]

CHAPTER 67.

VOTES IN REGARD TO MAKING UP MUSTER ROLLS, &c.

Legislative
Records of the
Council, xxii.,
400. Mass.
Archives,
lxxviii., 28.

Voted That the Captains or chief officers of the several Companies in the Canada Expedition this Year, when they make up their muster Rolls carry out the Wages of each Non Commission officer & Soldier born on their Respective Rolls from the time of

their being Inlisted or Impressed until they leave the Army by Dismission or Furlough, & until their Return home allowing fifteen miles for a days Travel, and that there be no pay allowed to those who never march'd, nor to Deserters that did not Return & Join the Army again, and to such as march'd part of the Way & Return'd by reason of Sickness & Indisposition no pay be allowed unless they afterwards joined the Army, or some Effective man in their Room, or unless such Person make it appear by proper Affidavits that they were inevitably prevented, and then for no longer time than till they got to their respective homes; And that the officers who shall make up such Rolls are hereby directed & ordered to distinguish the Persons last mentioned by annexing a list of such Persons names to their Roll that so there may be an enquiry; and the Treasurer is directed not to pay the Persons contained in such List the Wages said to be due to them in the Roll until he be certified by the secretary that such Enquiry has been made, & they appear intitled to their Pay.

House Journal, pp. 100, 101.
Ante, p. 231,
chap. 55.

Voted also That his Excellency the Governor be desired to write to his Excell^y General Abercromby & acquaint him that it is the full Expectation of this Government founded on the Secretary of State's Letter that the Troops belonging to this province be supply'd with Provisions from the Kings Stores till they arrive to their respective Homes after their Dismission, and in case they can't conveniently be supply'd with Provisions that the General be desired to provide them Subsistence in some other way at the Expence of the Crown, and immediately to inform his Excellency the Governor his Resolution thereon.

Further

Voted, That if General Abercromby shall refuse to subsist the Troops till they Return to their several homes his Excellency be desired to request his majestys General to pay such Sums of money (now in his hands belonging to this Province) over to the Colonels or Chief Commanding Officers of the several Regiments belonging to this Province as his Exc^y the Governor shall direct for the subsistence of their respective Regiments after the Kings Provisions that they may recieve are Expended; and that his Exc^y the Governor be desired to direct the Colonels or Commanding Officers afores^d in case the General shall agree to pay the money to his order to make out Lists of their Regiments & Return them to the said General with the number of days that it will take for each one to get to his home accounting fifteen miles a days Travel, and that Eighteen pence ~~p~~ day be allowed each man to be paid to him for his Subsistence by the Officer to whose Regiment he belongs taking proper Reciepts therefor

Further

Voted that if the Troops can't be provided for in their Return in either of the foregoing methods that then his Exc^y the Governor be desired to give orders to the several Taverners on the Road to provide for said Men at the Charge of this Government, and that they or any others that may provide for them bring in their Accompts to the Governor & Council for Allowance. [*Passed October 14.*]

CHAPTER 68.

RESOLVE ALLOWING £100 FOR THE RELIEF OF SICK SOLDIERS UNDER
GEN^L ABERCROMBIE ON THEIR RETURN HOME.

Legislative
Records of the
Council, xxii.,
402.

House Jour-
nal, p. 102.
Ante, p. 235,
chaps. 61 and
63.

Resolved That there be allowed and paid out of the publick Treasury the sum of One hundred pounds into the hands of those Gentlemen that may be appointed by his Excellency to proceed to the Westward to take care of such of the Troops raised by this Government under the Command of General Abercromby as are Sick and infirm between Albany and the Oneida Carrying place on their return home And that if any further Sum is found necessary, they make Application to his Excellency the Governor therefor, who is hereby desired with Advice of the Council to issue a Warrant or Warrants therefor, so far as shall be judged reasonable, the said Gentlemen to be Accountable for such Sum or Sums as they may receive. [*Passed October 14.*]

CHAPTER 69.

VOTE DIRECTING THE EXPENSE OF BARRACK UTENSILS TO BE PAID
OUT OF THE APPROPRIATION FOR FORTS AND GARRISONS.

Legislative
Records of the
Council, xxii.,
402.

House Jour-
nal, p. 102.
Province
Laws, iv., 165,
chap. 8.

WHEREAS by an Act passed this Court the present Session, providing for the reception and Accomodation of his Majesty's Forces within this province, Barrack Utensils are to be provided for the Use of such Forces

Voted That the expence that may be incurred thereby be paid out of the Appropriation for Forts and Garrisons; and that his Excellency the Governor with the advice of the Council be desired to issue his Warrant or Warrants accordingly for all such Sums as shall be judged reasonable. [*Passed October 14.*]

CHAPTER 70.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED ON
THE PROVINCE SNOW "PRINCE OF WALES."

Legislative
Records of the
Council, xxii.,
403. Mass.
Archives, cix.,
504.

Mass.
Archives, cix.,
498, 503. Legis-
lative Records
of the Council,
xxii., 388, 389.
House Jour-
nal, pp. 20, 21,
67, 83, 103.
Province
Laws, lili., 1067,
note.

THE COMMITTEE appointed on his Excellency's Message of the 7th Instant, relating to the Snow prince of Wales, made the following Report *Viz^t*

Pursuant to the within Order we have considered of the affair of the Snow prince of Wales, and are humbly of Opinion that his Excellency be desired to write to the Gentleman he Appointed to Act as Agent relating to her, to take an Inventory of all the Stores that belong to her, and send Account of the State and Condition of the Vessel and Stores by the first Opportunity in order that She may be Sold here to the highest bidder.

Signed W^M PEPPERRELL *per* order.

Read and Accepted. [*Passed October 14.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-NINTH DAY OF DECEMBER, A.D.
1758.

CHAPTER 71.

ORDER GRANTING TO EBEN^R DOWNE RUTH MECOM & ABIGAIL GREEN-
LEAF LICENCES TO SELL STRONG DRINK.

A PETITION of Ebenezer Downe of Boston, setting forth his inability to do any business for his Support by reason of his ill state of health; as also the Petitions of Ruth Mecon and Abigail Greenleaf both of said Boston Widows, setting forth that each of their Husbands were licensed in July last to retail Strong Liquors in Boston, since which they are both dead, leaving the petitioners in low Circumstances all which having been represented to the Selectmen of said Town, they have consented that each of them should have a License to retail Strong Liquors in Boston in case they may be legally authorized so to do And praying that the Court of General Sessions of the peace to be held at Boston January instant may be impowered to grant each of the petitioners a License accordingly.

Legislative
Records of the
Council, xxii.,
410. Mass.
Archives,
lxxviii., 86.
Mass.
Archives,
lxxviii., 84.

Read &

Order'd that the prayer of this Petition be granted, and the Justices of the General Sessions of the peace for the County of Suffolk at their Sessions in January next, are hereby Allow'd & Impower'd to grant the Petitioners Licenses to Retail, [()if they see cause) at the respective Houses where they now live, the time for granting Licences being Elaps'd notwithstanding. They Obtaining a recommendation from the Selectmen of the Town of Boston for that purpose according to Law.¹ [*Passed January 1.*]

CHAPTER 72.

ORDER GRANTING TO W^M BENNET LICENCE TO KEEP AN INN.

A PETITION of William Bennet of Boston, setting forth That he hath lately hired a House at Minots T^r in Boston which for a long course of years hath been occupied for a Tavern and which is judged needful should be still occupied as such, that the Selectmen have readily agreed to approbate him to keep a Tavern in said house, but as the time for granting Licenses is elapsed He cannot obtain

Legislative
Records of the
Council, xxii.,
411. Mass.
Archives, cx1.,
427.
Mass.
Archives, cx1.,
425.

¹ Not found in the House Journal.

² The "T" is meant to designate a wharf. See map after p. 92 and text p. 119, Shurtleff's Topographical History of Boston, 3^d edition.

Shurtleff's
Topographical
History of Bos-
ton, 3d edition,
pp. 92, 119.

one without the Aid of this Court And praying that the Court of General Sessions of the peace for the County of Suffolk may be impowered to grant him a License to keep a Tavern in said House accordingly.

Read &

Order'd that the prayer of this Petition be granted & the Justices of the General Sessions of the peace for the County of Suffolk at their Sessions in January next¹ are hereby Allow'd & Impower'd to grant the Petit' a Licence (if they see cause) to keep a house of publick Entertainment, where he now lives the time for granting Licences being Elaps'd notwithstanding.² [*Passed January 1.*]

CHAPTER 73.

ORDER GRANTING TO SARAH WETHERED LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
411.

A PETITION of Sarah Wethered of Boston, setting forth That her late Husband has had a License for about 24 years past to keep a Tavern in the Town of Boston That about four months ago he renewed his License for the ensuing year but died a few days after, leaving a large Stock of Wines, Liquors &c. and the greatest conveniences for a publick House, And praying that the Court of General Sessions of the peace to be holden at Boston the first Tuesday of January (Instant) may be impowered to grant her a License to keep a Tavern where She now lives in King Street, the time by Law allowed for granting Licenses being elapsed notwithstanding.

Read and

Ordered That the prayer of this petition be granted, and the Justices of the General Sessions of the peace for the County of Suffolk are hereby allowed and impowered at their Sessions on the first Tuesday of January (Instant) to grant the petitioner a License (if they see cause) to keep a House of publick Entertainment where She now lives, She obtaining a Recommendation from The Selectmen of the Town of Boston for that purpose according to Law, the time for granting Licenses being elapsed notwithstanding.³ [*Passed January 1.*]

CHAPTER 74.

ORDER GRANTING TO GAYER COFFIN LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
412.

Mass.
Archives, cxi.,
428–430. Shur-
tleff's Topo-
graphical
History of
Boston, 3d edi-
tion, pp. 92, 119.
Ante, p. 239,
chap. 72.

A PETITION of Gayer Coffin of Boston, setting forth That he hath for several years past kept the Tavern on Minots T^s and behaved to good Acceptance, That he is now removed to an House at the head of the Long Wharfe, which hath been always improved for a Tavern, And praying that the Court of General Sessions of the peace may be impowered to grant him a License to keep a Tavern in said House accordingly.

Read and

Ordered That the prayer of this petition be granted, and the Justices of the General Sessions of the peace for the County of

¹ Legislative Records of the Council, xxii., 411, reads, " (Instant)."

² Not found in the House Journal.

³ For explanation of Minots "T" see footnote to chap. 72, p. 239.

Suffolk at their Sessions in January (Instant) are hereby allowed and impowered to grant the petitioner a License (if they see cause) to keep a House of publick Entertainment where he now lives, the petitioner first obtaining a Recommendation from the Selectmen of the Town of Boston, for that purpose according to Law, the time for granting Licences being elapsed notwithstanding. [*Passed January 1.*]

CHAPTER 75.

ORDER DIRECTING THE COMMITTEE APPOINTED TO SELL THE PROVINCE SNOW "PRINCE OF WALES" TO PAY THE PROCEEDS THEREOF INTO THE TREASURY.

Ordered that the Committee appointed by his Excellency to sell the province Snow Prince of Wales be directed to pay the proceeds arising by the Sale of said Vessel into the publick Treasury for the further order of this Court. [*Passed January 3.*]

Legislative
Records of the
Council, xxii.,
415.

Legislative
Records of the
Council, xxii.,
347, 375, 388, 415.
House Jour-
nal, pp. 20, 21,
67, 83, 103, 126.
Province
Laws, lii., 1067,
note. *Ante*,
p. 238, chap. 70.

CHAPTER 76.

RESOLVE RE-ELECTING INDIAN GUARDIANS AND CONFIRMING THEIR ACTS.

WHEREAS the List of Guardians to the several Tribes of Indians chosen by the two Houses on the 10th day of October last was casually omitted being laid before his Excellency the Governor for his Approbatⁿ.

Resolved that the several persons named in said List be and hereby are declared reelected and all Acts and Doings of said Persons in the Capacity of Guardians since the said 10th day of Oct^r be and hereby are declared as valid and effectual to all Intents and Purposes as if said List had been duly laid before his Excellency and by him approved.¹ [*Passed January 3.*]

Legislative
Records of the
Council, xxii.,
415. Mass.
Archives,
xxxiii., 75.

Legislative
Records of the
Council, xxii.,
390, 393. House
Journal, pp. 87,
90, 91, 109, 125.
Province
Laws, iv., 229,
note.

¹ "The two Houses proceeded according to Agreement to the Choice of Guardians for the Indians by joint Ballot when the following Gentlemen were chosen by a Major Vote of the Council and House of Representatives Viz^t.

For the Indians at Natick, Joseph Buckminster and John Jones Esq^{rs} and Captain John Clark.

For the Indians at Stoughton or Punkapoag Indians, Robert Spur and Samuel Niles Esq^{rs} and Mr Joseph Billings.

For the Indians of Grafton, the hon^{ble} John Chandler Esq^r John Jones and Edward Baker Esq^{rs}

For the Indians at Dudley, the hon^{ble} John Chandler Esq^r Moses Marcy Esq^r and Capt. Joshua Heely.

For the Indians at Harwich, Yarmouth and Eastham, John Freeman Esq^r Mr Jabez Snow and Capt. John Bease.

For the Indians of Mashpee, Barnstable, Sandwich and Falmouth, the hon^{ble} Silvanus Bourn Esq^r Edward Bacon Esq^r and Mr Nymphas Marston.

For the Indians of Plymouth, Pembroke and Middleborough Josiah Edson Esq^r Capt. Nathaniel Smith and Mr John Turner.

For the Indians of Marthas Vineyard, John Norton and John Sumner Esq^{rs} and Mr Matthew Mayhew.

For the Indians at Nantucket, Jonathan Coffin and Abishai Folger Esq^{rs} and Mr Richard Coffin."—Legislative Records of the Council, xxii., 393.

CHAPTER 77.

RESOLVE ALLOWING £2. 8. 8 TO THE SELECTMEN OF ROXBURY.

Legislative
Records of the
Council, xxii.,
416. Mass.
Archives,
lxxviii., 110.
House Jour-
nal, p. 121.

A PETITION of the Selectmen of Roxbury signed by order of said Selectmen, Samuel Gridley Town Clerk, praying an Allowance of their Expence on one Samuel Williams, a Stranger lately in his Majesty's Service, who was taken Sick in said Town as he was travelling through it and there died.

Read and

Resolved That the Prayer of this Petition be granted, And That there be allowed and paid out of the public Treasury to the Select Men of the Town of Roxbury the sum of Two pounds eight Shil^s And eight pence in Consideration of their Expences Occasioned by the sickness and Death of the person mentioned. [*Passed January 4.*]

CHAPTER 78.

RESOLVE ACCEPTING REPORT OF COMMITTEE TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £26,605. 19. 3.

Legislative
Records of the
Council, xxii.,
417. Mass.
Archives, ciii.,
676.

Mass.
Archives, ciii.,
675, 677.
House Jour-
nal, pp. 122, 123.
Ante, p. 227,
chap. 46.

THE COMMITTEE appointed to repair to the Treasurer's in the recess of the Court, and see the Government Securities in his hands consumed to Ashes made the following Report, which being read in Council was sent down to the House of Representatives *Viz^t*

Boston December. 27. 1758. Received of Mr Treasurer Gray a Government Security payable the 20th January. 1754. amounting to Seven pounds seven shillings and nine pence which with the Interest of Two pounds seven shillings and six pence makes Nine pounds fifteen shillings and three pence, Also one Benefit Ticket Amounting to Two pounds two shillings which with the Interest of three shillings makes Two pounds five shillings, Also Government Securities payable 10 May. 1756. amounting to Forty three pounds which with the Interest of Seven pounds sixteen shillings and six pence, makes Fifty pounds sixteen shillings and six pence, Also Government Securities payable 1 January. 1757. amounting to Nineteen pounds eight shillings and two pence which with the Interest of Three pounds nineteen shillings makes Twenty three pounds seven shillings and two pence; Also Government Securities payable 2^d June. 1757. amounting to Seventy seven pounds which with the Interest of Nine pounds three shillings and eleven pence makes Eighty six pounds three shillings and eleven pence; Also Government Securities payable 1 June. 1757. amounting to Two hundred forty five pounds which with the Interest of Thirty one pounds four shillings and three pence makes Two hundred seventy six pounds four shillings and three pence, Also Government Securities payable 10 June. 1757. amounting to Six hundred and ten pounds six shillings which with the Interest of Ninety pounds seventeen shillings and four pence makes Seven hundred and one pounds three shillings and four pence; Also Government Securities payable 30 June. 1757. amounting to One hundred twenty six pounds eighteen shillings and six pence which with the Interest of Fifteen

pounds four shillings and ten pence makes One hundred forty two pounds three shillings and four pence; Also Government Securities payable 10 June. 1758. amounting to Fourteen hundred twenty one pounds thirteen shillings and ten pence which with the Interest of One hundred fifty four pounds fifteen shillings and eleven pence makes Fifteen hundred and seventy six pounds nine shillings and nine pence; Also Government Securities payable in June. 1758. amounting to Eighteen Thousand three hundred and five pounds eighteen shillings which with the Interest of Fourteen hundred fifty one pounds nineteen shillings and eight pence makes Nineteen Thousand seven hundred fifty seven pounds seventeen shillings and eight pence; Also Government Securities payable 10 October. 1758. amounting to Three Thousand six hundred fifty one pounds eighteen shillings and three pence which with the Interest of Two hundred fifty four pounds fourteen shillings and one penny makes Three Thousand nine hundred and six pounds twelve shillings and four pence, Also sundry Bills of the Old, Middle and New Tenor redeemed by order of the Court amounting to Seventy three pounds and nine pence lawful money, All which sums Amount to Twenty six Thousand six hundred and five pounds nineteen shillings and three pence which we have seen burnt and consumed to Ashes.

A true Copy Attest^r J. OSBORNE *p* Order

Read and Accepted; And

Resolved, That Harrison Gray Esq^r Treasurer And receiver General of this Province be and hereby is discharged of the sum of Twenty six Thousand six hundred and five pounds Nineteen Shillings and three pence Accordingly. [*Passed January 4.*]

CHAPTER 79.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

THE ACCOUNT of Jonathan Bacon Treasurer of the County of Barnstable being laid before the Court for their Allowance.

Read and

Ordered That this Account be allowed, and that the ballance thereof being Forty three pounds eleven shillings and ten pence one farthing the said Treasurer be further Accountable to the said County for, when he shall receive the same. [*Passed January 4.*]

Legislative
Records of the
Council, xxii.,
419.

House Jour-
nal, pp. 31, 107,
126, 127.

CHAPTER 80.

RESOLVE ALLOWING £3.10 TO JONATHAN JORDAN.

A PETITION of Jonathan Jordan of Stoughton, praying an Allowance of the Charge he was at in sending for his Son Samuel Jordan a Soldier in the pay of this Government who was taken Sick at the Half Moon and died on his way home.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of three pounds ten shillings in Con-

Legislative
Records of the
Council, xxii.,
421. Mass.
Archives,
lxxviii., 6.

Mass.
Archives,
lxxviii., 6.
House Jour-
nal, pp. 121, 131.

sideration of the Expence and trouble he was at, occasioned by the Sickness of his son Sam^l Jordan a Soldier in the last Crown point Expedition. [*Passed January 5.*]

CHAPTER 81.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £8.12.7 TO BENJ^A WOODWARD UNDER CONDITIONS.

Legislative
Records of the
Council, xxii.,
421. Mass.
Archives,
ccxxxiii., 83.

Mass.
Archives,
lxxviii., 73.
House Jour-
nal, pp. 125, 126,
132.

A PETITION of Benjamin Woodward of Dunstable in the County of Middlesex, setting forth That his Brother Thomas Woodward a Minor was a Soldier in the Crown point Expedition in 1756. and was either killed or Captivated when on a Scout with Capt. Hodges who was killed in September the same year, that there is due to said Thomas as made up in Capt. Butterfields Muster Roll, Eight pounds Twelve shillings and seven pence that he had no Guardian, and that as it is uncertain whether he be dead or living, no person can give the Treasurer a discharge for said Sum and praying that he may be empowered to receive the same upon his giving Security to Account therefor.

Read and

Ordered That the Prayer of this Petition be so far granted as that the Treasurer be directed to pay to the said Benjamin Woodward the Petitioner the said Sum of Eight Pounds twelve shillings & seven pence upon his giving sufficient Bond or Security to the said Treasurer & his Successor in said Office for the time being, to pay the said Sum with the Interest thereof to the said Thomas Woodward at his Return home, or in Case of the Death of the said Thomas to pay to each of his legal Heirs their just proportion of the said Sum, and the Interest thereof as the same ought to be distributed by Law in that Case allowing the said Benj^a the Pet^r the necessary Costs therein. [*Passed January 5.*]

CHAPTER 82.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £8.16.9 TO EZRA BEEMAN, ADM^R.

Legislative
Records of the
Council, xxii.,
422. Mass.
Archives,
lxxvii., 629.

House Jour-
nal, pp. 120, 123.

A PETITION of Ezra Beeman Administrator of the Estate of his late Father Jabez Beeman late of Shrewsbury deceased, setting forth, That in the year. 1757. Zoheth Johnson an indented Servant to the said deceased, being a Soldier in the pay of this province was taken Captiv^e at Lake George and has not been heard of since, And praying that he as administrator aforesaid may be empowered to receive the said Zoheths Wages.

Read and

Ordered, That y^e Treasurer be, and he is hereby directed to pay to W^m Richardson Esq^r for the use of the Petitioner in his said Capacity the sum of Eight pounds sixteen Shillings And Nine pence, being the Amount of the wages due to Zohath Johnson as made up in Cap^t Ball's Muster Roll in the Forces raised by this Government under y^e Command of his Excellency the Earl of Loudoun in 1757, The said Zohath not being born in said Roll as servant to the said Jabez notwithstanding. [*Passed January 5.*]

CHAPTER 83.

RESOLVE ALLOWING £7.8.2 TO JACQUES MORRIS.

Resolved, That there be allowed to be paid out of the public Treasury to Jacques Morris the sum of Seven pounds eight Shillings and two pence, being the neat proceeds paid by Roland Cotton Esq^r into the Treasury on sale of certain Canoes, in which the said Jacques Morris & others came to this Province, from some of his Majesty's Southern Governments. [*Passed January 5.*]

Legislative
Records of the
Council, xxii.,
422. Mass.
Archives,
xxiv., 118.
House Jour-
nal, pp. 136, 137.
Province
Laws, iv., 101,
note. *Ante*,
p. 188, chap.
435.

CHAPTER 84.

ORDER DIRECTING THE SELECTMEN OF DORCHESTER TO SUPPLY HAMM^d TIBIDO WITH BED, BEDDING AND OTHER NECESSARIES.

A PETITION of Hammond Tibido, one of the late French Inhabitants of Nova Scotia placed at Dorchester, praying that some Relief may be afforded him and his Family they being unable to provide themselves with Bedding and other things necessary for their Support.

The Committee upon the within petition beg leave to report, that we are fully convinced that the family within mentiond is under distressed circumstances & that the wife of the Petitioner near her time of travail will suffer greatly unless provided with a bed & bedding & other necessaries which we apprehend the selectmen of Dorchester should be directed to supply them with

Legislative
Records of the
Council, xxii.,
413. Mass.
Archives,
xxiv., 112.

Mass.
Archives,
xxiv., 111, 113.
Legislative
Records of the
Council, xxii.,
424. House
Journal,
pp. 115, 116, 128,
139. Province
Laws, iv., 100,
101, notes.

W. BRATTLE by order

Read and Accepted &

Ordered that the Select men of Dorchester be directed to Supply the petitioner with Bed Bedding & other necessaries for his family accordingly. [*Passed January 6.*]

CHAPTER 85.

ORDER ACCEPTING REPORT OF COM^{TEE} IN REGARD TO PRISONERS FROM NEWFOUNDLAND.

THE COMMITTEE appointed the 4 Instant on the Affair of certain persons lately Arrived here from Newfoundland, who had been prisoners with the French, reported as follows, Viz^t That on examining the Masters and some of the prisoners it appeared that Capt. Noble had got those he brought provided for, That the other Twelve & Capt. Gill being four men, five Women and three children belonging to the Southward were desirous of going to their homes, but were in want of Shoes, and something to bear their Expences, That the Committee were therefore of Opinion that they be allowed a pair of Shoes and two Dollars each.

Legislative
Records of the
Council, xxii.,
425. Mass.
Archives,
lxxviii., 114.

Legislative
Records of the
Council, xxii.,
416. House
Journal,
pp. 132, 142.

Read and

Ordered, That this Report be Accepted. [*Passed January 6.*]

CHAPTER 86.

VOTE ON THE PETITION OF JOHN WHITTEMORE IN REGARD TO SUPPORT OF HIS MOTHER.

Legislative
Records of the
Council, xxii.,
266, 427.

House Jour-
nal, pp. 49, 50,
59, 138, 139.
Province
Laws, xiv., 460,
chap. 127.

A PETITION of John Whittemore of Leicester in behalf of himself and his Aged Mother Ruth Whittemore, Relict of John Whittemore late of Malden in the County of Middlesex deceased, setting forth That the said Ruth in January. 1750. obtained an Order from this Court to make Sale of her thirds in said deceaseds Estate, with the Assistance of her two Sons Benjamin and pelatiah, they giving bond to Account for the produce according to Law after her decease, which was accordingly done, and the Interest being Three pounds fifteen shillings has been annually applied towards her Support; That She is now Eighty six years of Age and unable to do any business; that the aforesaid Income is insufficient for her Support, that several of her Children live without the province, and two others unable to help her And praying that such part of the Capital Sum as the Judge of probate for the County of Middlesex shall judge needful may be applied towards her Support.

[Read and]

Voted That this petition be revived, and that the prayer thereof be so far granted as that the said Benjamin Whittemore and Pelatiah Whittemore their Executors and Administrators or either of them do pay and apply so much of the principal of said Bond towards the Support of their said Mother as the Judge of Probate for the County of Middlesex shall think proper for that purpose, and in such manner as said Judge shall direct; and that said Judge shall and may order such sums as shall be so paid pursuant to his Orders to be indorsed on said Bond, which Endorsements so made shall be the Obligors their Executors and Administrators discharge for the Amount of such Endorsment or Endorsments so made, and the Heirs or persons intituled to a distribution pursuant to said Bond, shall receive only their Average and proportion of the Residue after such payments are deducted. [*Passed January 8.*]

CHAPTER 87.

ORDER EXCUSING JOSEPH FISHER FROM PAYING EXCISE DUES.

Legislative
Records of the
Council, xxii.,
428. Mass.
Archives,
lxxxvii., 74.

Mass.
Archives,
lxxxvii., 73.
House Jour-
nal, pp. 130, 131,
139.

A PETITION of Joseph Fisher of Walpole in the County of Suffolk, setting forth, That in August last he had the Misfortune to lose his House and most of his Furniture by Fire, and is thereby reduced to great straits; and that among other things he lost the Money he had laid by for the Collector of Excise for the duty on three barrels of Rum and praying the Compassionate Consideration of this Court.

Read and

Ordered, That the Prayer of this Petition be granted; And That the Petitioner, in Consideration of his loss by Fire, be and hereby is excused from paying to the Collector of y^e Excise on spirituous Liquors for the County of Suffolk, the Duties of Excise on the three barrels of Rum mentioned. [*Passed January 8.*]

CHAPTER 88.

RESOLVE ALLOWING £3.9.5 TO AMOS HOWARD.

A PETITION of Amos Howard of Ipswich, setting forth, That he was a Soldier in Capt. Gideon Parker's Company in the Crown point Expedition in 1756. That on his return home he fell Sick and that for three Months he was disabled thereby from doing any business, and was at the expence of an horse to bring him home, and of a Doctor to tend him afterwards, And praying an Allowance.

Read and

Resolved, That there be allowed and paid out of the publick Treasurer¹ to the Petitioner, the sum of three pounds Nine shillings and five pence in full for his Expences incurred by his sickness whilst in the service in the Year 1756. [*Passed January 9.*²

Legislative
Records of the
Council, xxii.,
428. Mass.
Archives,
lxxvii., 606.

House Jour-
nal, pp. 12, 13,
42, 131, 139.

CHAPTER 89.

ORDER ACCEPTING REPORT OF COMMITTEE CONCERN^g FIRE ARMS
AND APPOINTING A NEW COMMITTEE THEREON.

THE COMMITTEE appointed to take under Consideration his Excellency's Message of this day [respecting the Fire Arms delivered for the Forces raised the last year] report as their Opinion, That the Treasurer of the province be ordered to stop Three pounds out of every Soldiers Wages who received publick Arms in the last Expedition against Canada, unless they produce a Receipt of the same being returned, Viz^t for every Firelock Two pounds ten shillings, for every Bayonet Nine shillings and for a sling one, excepting in such particular Cases and Circumstances as this Court by their Committee to be appointed for that purpose, or otherwise shall order to the contrary; That the Treasurer be further ordered to make the same Stoppages out of the respective Colonels and Captains Wages who have received publick Arms as aforesaid, until they have accounted therefor in manner aforesaid. January. 6. 1759.

Signed

W. BRATTLE *per* order.

In Council; Read and Accepted, and

Ordered that William Brattle Esq^r with such as the honourable House shall join be a Committee for the purposes mentioned in the within Report.

In the House of Representatives; Read and Concurred, and M^r Flucker and M^r Tyng are joined in the Affair. [*Passed January 9.*³

¹ *Sic.*

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 8.

³ This date is according to the House Journal; according to Legislative Records of the Council the date is January 8.

Legislative
Records of the
Council, xxii.,
428.

Legislative
Records of the
Council, xxii.,
425 *bis*. House
Journal,
pp. 148, 150.
Ante, p. 89,
chap. 139.

CHAPTER 90.

RESOLVE AND ORDER DIVIDING THE TOWN OF REHOBOTH INTO TWO PRECINCTS.

Legislative
Records of the
Council, xxii.,
429. Mass.
Archives, xiv.,
95.

Mass.
Archives, xiv.,
93. House
Journal,
pp. 113, 114, 115.
Province
Laws, iv., 542,
note.

A PETITION of the Town of Rehoboth, Signed Ezekiel Reed Town Clerk, setting forth the Inconveniences that attend the supporting the Gospel in two distinct Congregations while they Act as one body in raising Money for that purpose, And praying that said Town may be divided into two distinct precincts by certain Metes and Bounds as set forth in said petition, and that the Ministerial Lands belonging to said Town be equally divided between the two precincts; the Inhabitants of the proposed first or West precinct agreeing to pay to the East precinct the sum of Three pounds annually for the term of fifteen years from and after their Settling a Minister in The East Precinct.

Read: And whereas it has been found by Experience that the maintaining of the Gospel ministry in the Westerly and Easterly Parts of the Town of Rehoboth in two distinct and separate Congregations, while the Inhabitants have acted together as one Precinct in raising money for that Purpose, has occasioned great Difficulties in said Town: To prevent the same for the future; It is

Resolved and

Ordered, That the said Town of Rehoboth be, and the same hereby is divided into two distinct and separate Precincts by the following Divisional Line, which shall be deemed the Boundary Line between the said two Precincts, viz^t Beginning at the Brick School-house standing at the parting of the Roads near the Dwelling-House of Captain Daniel Hunt; from thence to go in the Country Road Southerly that leads towards Kelly's Ferry, until it comes so far Southerly as the said Hunt's Land bounds on the said Road: Then running Southwesterly with the said Hunt's Land until it comes to the Salt water; Then again beginning at the said Brick School-house, and running with the High-way going Northeasterly along by the House of Ebenezer Allen, and the House where Joseph Peck deceased dwelt, and on that Road to the House of Captain Thomas Peck, and by the House of Ephraim Hunt; and so Northerly on the same Road, until it comes to Palmer's River old Road; then crossing that Road and running Northerly on a strait Line to the West Corner of the Land of Andrew Carpenter, near his House, where the Roads meet; then taking the Road that leads to Thomas Allen's House at the Southeast Corner of his Homestead Land, being the Southwest Corner of the Homestead Land of Josiah Cushing; then running Northerly and Easterly in the Bounds of said Allen's and Cushing's Land until it comes to the Highway going Northerly; then taking that Highway going Northerly until it comes to the Highway going Easterly over the long Dam (so called), and going Easterly on that Highway till it comes to the Road near the Dwelling House of Peter Millerd, and then running Northerly in that Highway leading to the South end of Long Hill; and running Northerly upon long Hill in the High way to the House of Josiah Ide; from thence running Northerly on a strait Line to a great Rock being the Bounds between Rehoboth and Attleborough; it being the Bounds or Corner of the West and East Precinct in said Attleborough, the said Josiah Ide to belong to the East Precinct.

That all the Lands lying Westerly of said Divisional Line, being

the old Part of the Town shall be denominated the first Precinct; and the Lands lying Easterly of said Line the second Precinct.

That the Inhabitants of each of the said Precincts be and hereby are invested with all the Powers and Priviledges, and subjected to all the Duties that Precincts in this Province by Law are invested with and subjected to:

And that all the Ministerial Revenues arising from all and any Lands lying in any Part of said Town of Rehoboth, heretofore sequestered to the use of the Ministry in said Town, being Lotts of Land laid out in all the several Divisions of Upland and Meadows on the Pastor's and Teacher's Rights (so Called in the Draughts of said Divisions) shall for ever hereafter be equally divided betwixt the said two Precincts.

And It is further

Ordered, That the Inhabitants of the said first or West Precinct of Rehoboth pay out of their Treasury to the Inhabitants of the said Second or East Precinct the Sum of Three Pounds Annually for the Term of Fifteen Years from and after their settling a Minister in said East Precinct. [*Passed January 9.*]

CHAPTER 91.

ORDER GRANTING 200 ACRES OF LAND TO ASA HILL.

A PETITION of Asa Hill of Shrewsbury in the County of Worcester, Setting forth that about four years ago he lost his House and most of his Household Stuff by Fire, that two years after he met with the like Misfortune, that the last year he entered into the publick Service as a Soldier and during the Seige of Fort William Henry he lost most of his Cloaths And praying that as he has divers Sons growing up, the Court would compassionate his Circumstances and make him a Grant of Land for their Support.

Legislative
Records of the
Council, xxii.,
432. Mass.
Archives,
lxxxvii., 71.

Mass.
Archives,
lxxxvii., 70.
House Jour-
nal, pp. 125, 146.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that there be and hereby is granted to the Petitioner his Heirs and Assigns for ever two Hundred Acres of the unappropriated Lands of the Province in the Green Woods (so Called) in the County of Hampshire on the Road leading from Westfield to Sheffield, if such there be, and if there be none on said Road, then of the same Number of acres on the Road (called the north Road) leading from Blandford to Township Number Four, and thence to Pontoosuck in said County, the Petitioner taking a Plan thereof by a Surveyor and Chainmen under Oath, and presenting the same for the Approbation of this Court at his own Cost and Charge. Provided that the Petitioner erect a House thereon convenient for Entertainment of Travellers within one Year from this Time; and that he or his Heirs keep a House to accomodate Travellers at a reasonable Rate for and during the Space of five Years from the first Day of January next. [*Passed January 9.*]

CHAPTER 92.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF WILLIAM FORBUSH, JUN., TO PATRICK MANNING.

Legislative
Records of the
Council, xxii.,
433. Mass.
Archives,
lxxvii., 638.

Mass.
Archives,
lxxvii., 638.
House Jour-
nal, pp. 131, 149.

A PETITION of Patrick Manning of Berwick in the County of York, Setting forth that his Servant William Forbush was a Soldier in Capt. Indicott's Company under the Earl of Loudoun, and Was either killed or taken Prisoner at Fort William Henry; but that not being made up in the Muster Roll as a Servant, the Petitioner cannot draw his Wages, And praying Relief.

Read and

Ordered, That the Treasurer be, and he is hereby directed to pay the Petitioner the Wages of the said William Forbush jun^r as made up in Cap^t Indicott's Muster Roll for the Campaign in 1757, the said William not being born therein as his Servant Notwithstanding. [*Passed January 10.*]

CHAPTER 93.

RESOLVE ALLOWING £4. 16. 5 TO JOSIAH WOOD.

Legislative
Records of the
Council, xxii.,
434. Mass.
Archives,
lxxviii., 72.

Mass.
Archives,
lxxviii., 71.
House Jour-
nal, pp. 139, 140,
151.

A PETITION of Josiah Wood of Dracut a Soldier in Capt. Cheever's Company in the Crown point Expedition in 1757. Setting forth, That he was made up two Months and nineteen days short in the Muster Roll, And praying an Allowance.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the Sum of four pounds sixteen Shillings and five pence, for two Months and Nineteen Days wages he was made up Short in Cap^t Cheever's Muster Roll For the Campaign in the year 1757. [*Passed January 10.*]

CHAPTER 94.

ORDER ALLOWING TO CAPT. PHILLIP WALKER 2/8 PER MAN FOR SUBSISTING SOLDIERS.

Legislative
Records of the
Council, xxii.,
435. Mass.
Archives,
lxxviii., 70.

House Jour-
nal, pp. 132, 155.

A PETITION of Capt. Phillip Walker Setting forth That he Marched Eighty four Men from Rehoboth to Worcester and engaged for their Subsistence, and that most if not all of said Men have received their Billeting from the Officers to whom they were turned over; And praying Relief.

Read and

Ordered, That the Prayer of this Petition be so far granted; as that there be, and hereby is allowed to be paid out of the public Treasury to the Petitioner two shillings and eight pence for each of the seventy five Soldiers named in the list annexed,¹ which he subsisted from Rehoboth to Worcester; And that Cap^t Nathan Hodges be directed in making up his Muster Roll to deduct the same out of each of the soldiers Wages that were at Worcester turned into his Company, which were subsisted by the said Walker as aforesaid. [*Passed January 10.*]

¹ Not found.

CHAPTER 95.

VOTE ALLOWING WAGES FOR MAKING UP MUSTER ROLLS AND FOR
EXPENSE OF TRAVEL TO BOSTON.

Voted, That there be allowed Wages to each Captain or Chief Officer of the several Companies in the Forces raised by this Government for the Invasion of Canada, fifteen Days after his return home for making up their respective Muster Rolls, also for his Travel to Boston in order to lay the same before the Court, allowing Twenty Miles for a Day's Travel. [*Passed January 10.*]

Legislative
Records of the
Council, xxii.,
436. Mass.
Archives,
lxxviii., 130.
House Jour-
nal, p. 160.

CHAPTER 96.

RESOLVE ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE
ON TEA, COFFEE, &c, FOR THE COUNTY OF MIDDLESEX AND ALLOW-
ING £3.4 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Tea Coffee &c. in the County of Middlesex for the Year. 1758. made report of their having sold the same to M^r John White of Charlestown for One hundred and sixty pounds, and prayed ¹ Allowance of their Charge and Expence Three pounds four shillings.

Read and Accepted and

Resolved That there be allowed and paid out of the publick Treasury to the said Committee the sum of Three pounds four shillings for their time and expences in said Service. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
435.

House Jour-
nal, p. 164.
Ante, p. 121,
chap. 264.

CHAPTER 97.

ORDER GRANTING TO OBADIAH SAWTELL LICENCE TO KEEP AN INN.

A PETITION of Obadiah Sawtell of Shirley setting forth That Jonathan Goold late of said Shirley Innholdier died last Fall, leaving the petitioner Sole Executor, and the said Jonathan's Wife being lately dead also, the petitioner has been obliged to move into the deceaseds House; And praying that he may be enabled to keep a Tavern therein.

Read and

Ordered That the prayer of this petition be so far granted as that the Justices of the Court of General Sessions of the peace for the County of Middlesex Be and they hereby are empowered at their next Term to grant the petitioner a Licence (if they see fit) to keep an House of publick Entertainment where he now dwells, he first obtaining the Approbation of the Selectmen of said District, the time for granting Licences being elapsed notwithstanding. [*Passed January 11.*]

¹ *Sic.*

² This date is according to the House Journal; according to Legislative Records of the Council the date is January 10. A duplicate of this chapter appears in the Legislative Records of the Council, xxii., 446.

CHAPTER 98.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN SUFFOLK COUNTY.

Legislative
Records of the
Council, xxii.,
437.

House Jour-
nal, p. 160.
Province
Laws, iii., 1064,
note.

In the House of Representatives;

Voted that Thomas Flucker and Thomas Goldthwait Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Suffolk, the current Year.

In Council; Read and Concurred, and Samuel Watts Esq^r is joined in the Affair. [*Passed January 11.*]

CHAPTER 99.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxii.,
437.

House Jour-
nal, p. 160.

In the House of Representatives;

Voted that Joseph Gerrish Esq^r and M^r Daniel Giddinge with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Essex the current Year.

In Council; Read and Concurred, and Benjamin Lynde Esq^r is joined in the Affair. [*Passed January 11.*]

CHAPTER 100.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxii.,
437.

House Jour-
nal, p. 161.

In the House of Representatives,

Voted that Andrew Bordman and James Russell Esq^{rs} with such as the honourable Board Shall join be a Committee to farm out the Duties of Excise on Tea Coffee and China Ware in the County of Middlesex the current Year.

In Council; Read and Concurred, and William Brattle Esq^r is joined in the Affair. [*Passed January 11.*]

CHAPTER 101.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council, xxii.,
438.

House Jour-
nal, p. 161.

In the House of Representatives,

Voted that Elijah Williams and Timothy Dwight Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Hampshire, the current Year.

In Council; Read and Concurred, and Israel Williams Esq^r is joined in the Affair. [*Passed January 11.*]

CHAPTER 102.

ORDER APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN WORCESTER COUNTY.In the House of Rep^{ves}

Ordered that Timothy Ruggles and Edward Hartwell Esq^{rs} with such as the Hon^{ble} Board shall join be a Committee to Farm out the Duties of Excise on Tea Coffee & China Ware in the County of Worcester for the Year Current

In Council Read and Concurr'd and John Chandler Esq^r is joined in the Affair. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
438. Mass.
Archives, cxx.,
249.

House Jour-
nal, p. 161.

CHAPTER 103.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN PLYMOUTH COUNTY.

In the House of Representatives,

Voted that George Watson Esq^r and M^r John Brewster with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Plymouth the current Year.

In Council; Read and Concurred, and Gamaliel Bradford Esq^r is joined in the Affair. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
438.

House Jour-
nal, p. 161.

CHAPTER 104.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BARNSTABLE COUNTY.

In the House of Representatives,

Voted that Roland Cotton and Edward Bacon Esq^{rs} with such as the honourable Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Barnstable the current Year.

In Council; Read and Concurred, and Silvanus Bourn Esq^r is joined in the Affair. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
438.

House Jour-
nal, p. 161.

CHAPTER 105.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN BRISTOL COUNTY.

In the House of Representatives,

Voted that Samuel White Esq^r and Capt. Thomas Morey with such as the honourable Board Shall join be a Committee to farm out the Duties of Excise on Tea Coffee and China Ware in the County of Bristol the current Year.

In Council; Read and Concurred, and George Leonard Esq^r is joined in the Affair. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
438.

House Jour-
nal, p. 161.

CHAPTER 106.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN YORK COUNTY.

Legislative
Records of the
Council, xxii.,
439.

House Jour-
nal, p. 161.

In the House of Representatives,
Voted that John Bradbury Esq^r and M^r Benjamin Chadbourn with
such as the honourable Board shall join be a Committee to farm
out the Duties of Excise on Tea, Coffee and China Ware in the
County of York the current Year.

In Council; Read and Concurred, and Richard Cutt Esq^r is joined
in the Affair. [*Passed January 11.*]

CHAPTER 107.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN THE COUNTY OF DUKES COUNTY.

Legislative
Records of the
Council, xxii.,
439.

House Jour-
nal, p. 161.

In the House of Representatives;
Voted that John Norton Esq^r and M^r Matthew Mayhew with such
as the honourable Board shall join be a Committee to farm out the
Duties of Excise on Tea, Coffee and China Ware in the County of
Dukes County the current Year.

In Council; Read and Concurred, and John Sumner Esq^r is joined
in the Affair. [*Passed January 11.*]

CHAPTER 108.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA,
COFFEE AND CHINAWARE IN NANTUCKET COUNTY.

Legislative
Records of the
Council, xxii.,
439.

House Jour-
nal, p. 161.

In the House of Representatives,
Voted that Abishai Folger and Richard Coffin Esq^{rs} with such as
the honourable Board shall join be a Committee to farm out the
Duties of Excise on Tea, Coffee and China Ware in the County of
Nantucket the current Year.

In Council; Read and Concurred, and Josiah Cotton Esq^r is joined
in the Affair. [*Passed January 11.*]

CHAPTER 109.

VOTE ALLOWING £8 EACH TO SOLDIERS TAKEN CAPTIVE AND CARRIED
TO EUROPE.

Legislative
Records of the
Council, xxii.,
439. Mass.
Archives,
lxxviii., 132.

House Jour-
nal, p. 164.

Voted, That the Soldiers raised by this Government under the
Command of His Excellency the Earl of Loudoun, who were Cap-
tivated by the Indian Enemy at the Time of the surrender of Fort
William Henry, and Carried to Europe, be allowed and paid out
of the public Treasury the sum of Eight Pounds each upon their
return home, And that those Already returned be allowed the same
sum each, in full Consideration for their Time and Sufferings re-
spectively. [*Passed January 11.*]

CHAPTER 110.

ORDER GRANTING TO WILLIAM BRYANT LICENCE TO KEEP AN INN.

A PETITION of William Bryant, now an Innholder in Reading in the County of Middlesex, setting forth that he hath purchased the Dwelling house of Isaac Baldwin in Sudbury which hath for divers years been improved as a Tavern, and hath Obtained the Approbation of the Selectmen of said Town to keep a Tavern there; And praying that the Justices of the General Sessions of the peace for the County of Middlesex may be empowered at their next Session to grant him a Licence (if they see cause) to keep a House of publick Entertainment the remaining part of the year, the time for granting Licences being elapsed notwithstanding.

Read and

Ordered, That the Prayer of this Petition be so far granted, as That the Justices of the Court of General sessions of the Peace for the County of Midd^s be and they hereby are empowered at their next Term, to grant the Petitioner a Licence (if they see cause) to keep an house of public Entertainment in the Town of Sudbury, where Isaac Baldwin now dwells, he first Obtaining the approbation of the select Men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed January 11.*]

Legislative
Records of the
Council, xxii.,
440. Mass.
Archives, cxl,
432.
Mass.
Archives, cxl.,
431. House
Journal, p. 156.

CHAPTER 111.

VOTE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

In the House of Representatives,

Voted that no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present Year, shall be deemed duly qualified to enter upon the Execution of that Office until he shall first have an Oath administered to him for his faithful performance of his said Office; and shall give Bond with sufficient Sureties to the Acceptance of a Committee appointed by this Court for that purpose in the sum of Thirty thousand pounds lawful money to the three eldest Counsellours in the province for the time being who are hereby appointed a Committee in behalf of the province and especially authorized for this purpose; which Bond shall be conditioned for such Treasurer's truly and faithfully discharging the duty of his Office according to Law, and for his rendring an account when and so often as he shall be required by the General Court of all such Sums of Money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said Office, or to any other person that may be appointed by the General Court to receive the same All such sum or sums of Money as upon Settlement of his said Accounts or otherwise shall be found due and payable from him to the province; provided that the said Bond be put in Suit within two years next after the date thereof, otherwise to be void and of no Effect; And that Thomas Hubbard and James Russell Esq^{rs} with such as the Honourable Board shall join be a Committee

Legislative
Records of the
Council, xxii.,
440.

Legislative
Records of the
Council, xxii.,
442. House
Journal, p. 169.

to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council, Read and Concurred, and John Osborne Esq^r is joined in the Affair. [*Passed January 11.*]

CHAPTER 112.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxii.,
441.

House Jour-
nal, pp. 31, 109,
162, 163.

AN ACCOUNT of M^r Robert Luscombe Treasurer of the County of Bristol ending 14 October, 1758. having been laid before the Court for their Allowance.

Read and

Ordered That this Account be allowed, and that the ballance thereof being Nine pounds one shilling and eleven pence the said Treasurer be further Accountable to the said County for when he receives the same. [*Passed January 11.*]

CHAPTER 113.

ORDER IMPOWERING PETER THACHER, EXECUTOR, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
443. Mass.
Archives, xiv.,
92.

Mass.
Archives, xiv.,
90. House
Journal,
pp. 177, 178.
Province
Laws, ii., 151,
chap. 10; xv.,
351, chap. 60.

A PETITION of Peter Thacher of Attleborough in the County of Bristol Clerk, Executor of the last Will and Testament of Peter Thacher late of Middleborough in the County of Plymouth Clerk deceased, setting forth, That he is in advance for said Estate as Executor upwards of Two thousand pounds Old tenor, that there is no Estate remaining of the Testators but his Homestead in Middleborough Which he devised to his Wife during her Widowhood, and after her Decease to his Children, Mary, Susanna, Thomas, John, Oxenbridge, Moses, Mercy and Samuel divers of whom are since dead and left representatives who are Minors, That in the year. 1755. he prayed the Order of this Court for the Sale of said Estate, which was accordingly granted on certain terms, but said Order has never yet been carried into Execution. And praying that he may now be empowered in his Capacity aforesaid to make Sale of the premisses. To the granting of which petition Mary Thacher the Widow and divers other persons interested in said Estate signified their Consent.

Read and

Ordered That the Prayer of this Petition be granted and that the Petitioner be and he hereby is empowered (together with the Widow who has her Life in the Estate) to make and execute a good and sufficient deed or deeds of the Premises, He observing the Rules of the Law respecting the Sale of Real Estates by Executors & Administrators, and giving sufficient Caution to the Judge of Probate for the County of Plymouth for the Application of the Money arising by said Sale for payment of the debts mentioned, and for duly accounting for the Overplus (if any there be) after the decease of the Widow, to the several Persons interested therein or their legal Representatives according to Law. [*Passed January 12.*]

CHAPTER 114.

ORDER SETTING OFF DIVERS PERSONS WITH THEIR ESTATES FROM THE SECOND PARISH IN NEWBURY TO THE FOURTH PARISH THEREIN.

THE COMMITTEE appointed on the petition of Joshua Bailey and others of Newbury [*ante*, p. 220, chap. 28] reported according to order.

Read and Accepted and thereupon

Ordered That Joshua Bailey, David Chase, Stephen Bailey Sargeant Smith Joshua Bailey jun^r John Bailey, Hannah Hill and Priscilla Bailey with their Estates lying in the second parish in Newbury be and hereby are set off to and made part of the fourth parish in Newbury, there to do Duty and receive priviledge. [*Passed January 12.*]

Legislative
Records of the
Council, xxii.,
444.

House Jour-
nal, pp. 141, 142,
143, 148, 166, 175.
Ante, p. 220,
chap. 28.

CHAPTER 115.

VOTE OF THANKS TO BENJAMIN LYNDE, ESQ^r.

In Council

The Hon^e Benjamin Lynde Esqr a Member of this Board having presented to this Court for the use of the Province Six Folio Volumes containing the Statutes at large from Magna Charta to the thirtieth year of His present Majesty inclusive

Voted that the thanks of the Court be given to the said Benjamin Lynde Esqr for so valuable a present and to prevent the loss or abuse of any of said Volumes it is ordered that they be kept in a Glass case under lock & key in the Council Chamber & that the Secretary have the charge of them & that no person presume to carry any one of them out of the Chamber without special leave of the Governor in Council saving only that the Members of this Court be at liberty to make use of them either in the Council Chamber or the Chamber of the House of Representatives & that the Secretary be at liberty to suffer them to be carried into the Courts of Common Law sitting in this House by the Doorkeeper he taking care that they be immediately returned

In the House of Rep^{es}

Read and Concurred. [*Passed January 13.*]

Legislative
Records of the
Council, xxii.,
447. Mass.
Archives,
lviii., 430.

House Jour-
nal, p. 181.

CHAPTER 116.

ORDER IMPOWERING THE MASHPEE INDIANS TO DEED LAND AND GRANT DIVERS PRIVILEGES TO THEIR MINISTER.

A MEMORIAL of the Mashpee Indians, Representing that the Commissioners of the Society for propagating the Gospel in New England &c. have to their great Satisfaction lately settled the Rev^d Mr Gideon Hawley as a Missionary among them, And praying that they may be enabled as a further Encouragement to him in his Work to Convey to him in Fee A House Lot of five Acres and to give him the Use and Improvement of about thirty Acres of Upland in their

Legislative
Records of the
Council, xxii.,
448. Mass.
Archives,
xxxiii., 69.

Mass.
Archives,
xxxiii., 67.
House Jour-

nal, pp. 149, 150, 157. Province Laws, xv., 110, chap. 256.

propriety, and to allow him to Mow five tons of Salt Hay yearly and to Cut his Wood on the same during his Ministry.

Read and

Ordered, That the Prayer of this Petition be granted; And That the s^d Indians of Mashpee be, and they hereby are impowered to make & execute a good & sufficient Deed of Conveyance in the Law of five Acres of the Lands belonging to their propriety, to their Said Pastor the Rev^d M^r Gideon Hawley to Accommodate him with a Convenient house Lott; And to grant him the sole use and improvement of thirty Acres of their said Lands, that are cleared, And to allow him to improve such a Quantity of the salt marsh belonging to them as that he may mow yearly five Tuns of good hay, and further to allow him to cutt his fire wood off from their said propriety during the Time he shall continue in the Ministry among them: the whole affair to be under the Conduct & Direction of the Guardians of the said Indians. [*Passed January 15.*]

CHAPTER 117.

ORDER IMPOWERING JA^s BRAKENRIDGE AND OTHERS OF THE DISTRICT OF PALMER TO EXECUTE DEEDS.

Legislative Records of the Council, xxii., 449.

Mass. Archives, cxvii., 405. House Journal, pp. 167, 168, 176, 177, 186. Province Laws, xi., 723, chap. 28.

A MEMORIAL of James Brakenridge and others Committee of the District of Palmer, setting forth, That in the Grant made them of their Lands by the General Court in 1733. they were obliged to lay out for the use of the Ministry, and for the Use of the School One hundred Acres each, that they accordingly laid out said Land in the year. 1735. but they not being conveniently situated for the purposes, the Inhabitants have purchased a Farm of 150 Acres for the Use of the Ministry in a much better Situation, which Cost them more than both the other Lots would Sell for, And praying that they may be enabled to make Sale of the two Lots first mentioned and apply the produce towards payment for the Lot they have purchased as aforesaid.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioners be and they hereby are Authorized and impowered to make and execute a good and sufficient deed or deeds of Conveyance in the Law, of of¹ the Ministry Lot mentioned, they purchasing Lands of equal Value in the most convenient place they can, to be held for the same purpose as the Land is, that they shall dispose of. [*Passed January 15.*]

CHAPTER 118.

ORDER IMPOWERING STEPHEN MAYNARD, ADMINISTRATOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxii., 449.

A PETITION of Stephen Maynard of Westborough, setting forth, That he has taken out Letters of Administration on the Estate of John Rogers late of Westborough deceased and applied the personal

Estate towards paying the deceaseds Debts, and that there remains yet unpaid debts to the Amount of £39.19.1. That the Real Estate is charged with the Support of the Mother of the deceased, which Estate was Apprizd at £228.8/ the Income of which is insufficient to support the Mother, Widow and six Young Children of the deceased, And praying liberty to Sell the said Real Estate for payment of Debts and other purposes aforesaid.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in his said Capacity of Administrator be and he is hereby impowered to make Sale of the Real Estate of the said John for the most the same will fetch and to execute a good deed or deeds of the same, he observing the Rules in the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of probate for the County of Worcester for applying the Money arising by said Sale to the payment of the just Debts due from said Estate, and the Remainder thereof for the benefit of the Widow and Heirs of the deceased according to Law. [*Passed January 16.*]

House Jour-
nal, pp. 118, 119,
131. Province
Laws, II., 151,
chap. 10.

CHAPTER 119.

RESOLVE ALLOWING £8 TO JOHN SINCLAIR.

A PETITION of John Sinclair setting forth That he was a Soldier in the pay of the province in 1757. and taken Prisoner at Fort William Henry, from whence he was carried to Canada where he suffered great hardships during a long Captivity, And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of Eight pounds in full Consideration of his sufferings Mentioned. [*Passed January 16.*]

Legislative
Records of the
Council, xxii.,
450. Mass.
Archives,
lxxviii., 98.

Mass.
Archives,
lxxviii., 99.
House Jour-
nal, pp. 136, 138,
187.

CHAPTER 120.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the public Treasury to Abraham Gale the sum of Five pounds; to William Holt twenty shillings, and to Ralph Hemingway Three pounds five shillings in full consideration for the Expences in their petitions mentioned. [*Passed January 16.*]

Legislative
Records of the
Council, xxii.,
450.

House Jour-
nal, p. 183.

CHAPTER 121.

RESOLVE ALLOWING 38/8 TO W^m BRABROOK.

Legislative
Records of the
Council, xxii.,
451. Mass.
Archives,
lxxvii., 605.

Mass.
Archives,
lxxvii., 604.
House Jour-
nal, pp. 154, 173,
174.

A PETITION of William Brabrook, praying an Allowance for five weeks and six days service as a Soldier for which he has received no consideration.

Read and

Resolved, That there be allowed and paid out of the public Treasury to William Richardson Esq^r for the use of the Admin^r of the Estate of the said Will^m Brabrook the sum of thirty eight Shillings & eight pence in full for five Weeks and six days wages due to the said Brabrook as a Soldier in the service on the Frontiers in the year 1755, omitted in the Pay-Roll of the Company he belonged to. [*Passed January 16.*]

CHAPTER 122.

RESOLVE ALLOWING 40/ TO JOHN STACKPOLE.

Legislative
Records of the
Council, xxii.,
451.

House Jour-
nal, pp. 187, 188.
Ante, p. 24,
chap. 43.

Resolved That there be allowed and paid out of the publick Treasury to M^r Samuel Jordan for the Use of John Stackpole the sum of Forty shillings in full for his Travel and Expences in attending on the House of Representatives as an Evidence on the Complaints exhibited against Capt. John Smith in the year. 1757. [*Passed January 16.*]

CHAPTER 123.

ORDER ADJOURNING THE COURTS OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxii.,
453.

House Jour-
nal, p. 193.
Province
Laws, lli., 64,
chap. 32.

WHEREAS divers of the Justices of the General Sessions of the peace and Inferiour Court of Common pleas which by Law are to be holden at Worcester in and for the County of Worcester on the first Tuesday of February next, are Members of this Court, and the important Affairs of the province now depending may require their Attendance thereupon at said time.

Ordered That the Courts aforesaid that were by Law to be held at Worcester aforesaid on the first Tuesday of February next, be and hereby are Adjourned to the second Tuesday of May next, then to be holden at Worcester in and for said County at ten o'clock in the Forenoon of said day; And all pleas Writs Actions Suits, plaints and processes, Precepts Recognizances and other Matter or Matters whatsoever returnable or having day in either of said Courts shall stand abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Courts or either of them had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed January 17.*]

CHAPTER 124.

RESOLVE ALLOWING 19/6 TO DAVID BENNETT.

Resolved That there be allowed and paid out of the publick Treasury to David Bennett one of the Witnesses summoned to attend the two Houses on a Complaint exhibited against Zedekiah Stone the last year, the sum of Nineteen shillings and six pence for his Travel and Attendance upon that Affair. [*Passed January 17.*]

Legislative
Records of the
Council, xxii.,
453.

House Jour-
nal, pp. 188, 191.
Ante, p. 153,
chap. 351.

CHAPTER 125.

RESOLVE ALLOWING 40/ TO TITUS KING.

A PETITION of Titus King of Northampton, a Soldier in the pay of the province at Charlemont, who was taken Captive there in the year. 1755. praying Allowance for a Gun of his own which the Indians took with¹ him.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of forty Shill^s in full consideration for the Gun he had with him in y^e Service at the time he was Captivated by the Enemy in the year 1755. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
451. Mass.
Archives,
lxxviii., 97.

Executive
Records of the
Council, xlii.,
465. House
Journal,
pp. 189, 190.

CHAPTER 126.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF EBEN^B TRUMBLE FOR RE-HEARING AN ACTION.

A PETITION of Ebenezer Trumble of Sheffield in the County of Hampshire; praying that he may be allowed a Rehearing on an Action brought against him by John Ashley Esq^r at the Inferiour Court held at Springfield in May last where he was defaulted, he relying on the repeated promises of the said John, on his proposing terms of Settlement that the same should not be entered at said Court, and that he may be allowed to file his Account against the said John at some future Court to be held for said County, and that Execution may be stayed in the mean time.

Read and

Ordered that the petitioner serve the Adverse party, John Ashley Esq^r with an Attested Copy of this petition, that he shew cause (if any he have) on the second Thursday of the next Sitting of this Court, why the prayer thereof should not be granted. And that Execution issued on the Judgment mentioned be staid in the mean-time provided that the petitioner give sufficient caution to the Sheriff of the County of Hampshire to pay all such Sum or Sums of Money as shall be finally recovered against him with Interest thereon from this time. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
454.

House Jour-
nal, p. 193.

¹ *Sic.*

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 16.

CHAPTER 127.

ORDER IMPOWERING EZRA TAYLOR, ADM^R, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxii.,
454.

House Jour-
nal, pp. 119, 125.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Ezra Taylor of Southborough in the County of Worcester, Administrator of the Estate of John Butler¹ late of Framingham in the County of Middlesex deceased, setting forth that the deceaseds debts already brought in, exceed his personal Estate near Twenty pounds; That the whole of the Real Estate consisting of Seventy Acres of Wild Land in Rutland East Wing was apprized At no more than Fifty three pounds six shillings and eight pence; And praying that he may have liberty to Sell the same he to be Accountable for the produce of said Sale according to Law.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner be and he is hereby authorized and empowered in his said Capacity of Administrator to make Sale of the Lands mentioned for the most the same will fetch and to make and execute a good and sufficient deed or deeds of Conveyance of the same, he observing the directions of the Law with respect to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of probate for the County of Middlesex to Account for the proceeds of said Sale, agreeable to the directions of the Law. [*Passed January 18.*]

CHAPTER 128.

RESOLVE ALLOWING £5 TO PHILLIP METACK, INDIAN.

Legislative
Records of the
Council, xxii.,
455. Mass.
Archives,
xxxiii., 74.

Mass.
Archives,
xxxiii., 73.
House Jour-
nal, pp. 110, 195.

A PETITION of Phillip Metack an Indian Man of Marthas Vineyard, setting forth, that he was a Soldier in the pay of the province in the year. 1757. and was taken prisoner at Fort William Henry and remained in Captivity till October last when he made his Escape; And praying Relief.

Read and

Resolved, that there be allowed and paid out of the public Treasury to the Petitioner the sum of five pounds in full Consideration of his Sufferings mentioned. [*Passed January 18.*]

CHAPTER 129.

ORDER GRANTING TO JOSIAH DRURY LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
455. Mass.
Archives, cxi.,
437.

House Jour-
nal, pp. 168, 169.

A PETITION of Josiah Drury of Framingham in the County of Middlesex; praying that the Court of General Sessions of the peace for the County of Middlesex may be empowered at their Session in March next to grant him a Licence to keep a Tavern in said Town, the person who used to keep a House of publick Entertainment there, having declined the business.

Read and

¹ The House Journal reads, "*Bullen.*"

Ordered, That the Prayer of this Petition be so far granted, as that the Court of General sessions of the Peace for the County of Middlesex, be and they hereby are impowered at their Next Term, to grant the Petitioner a Licence (if they see Cause) to keep an house of public Entertainment in the Town of Framingham, he producing the Approbation of the Select Men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed January 18.*]

CHAPTER 130.

VOTE DIRECTING W^m BOLLAN, ESQ^s, TO REMIT PARLIMENTARY GRANT AND APPOINTING A COMMITTEE TO PREPARE INSTRUCTIONS THEREFOR.

In the House of Rep^{vs}

Voted, That William Bollan Esq^r be directed to remitt to this Province the Parliamentary Grant for Reimbursing them the Charges incurred by Supplying the forces raised by this Govern^t with Provisions in y^e year 1756, now in his hands, agreeable to the Instructions he may receive from this Court; And That Col^o Ruggles M^r Flucker, Col^o Gerrish Col^o White and Col^o Cotton with such as the hon^b Board shall join be a Committee to prepare Instructions accordingly And report.

In Council Read and Concur'd and John Osborne, Benj^a Lynde Stephen Sewell and W^m Brattle Esq^{rs} are joined in the Affair. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
456. Mass.
Archives,
xxii., 70.

House Jour-
nal, p. 199.
Province
Laws, xv., 588,
chap. 144.

CHAPTER 131.

VOTE ALLOWING BOUNTY TO SOLDIERS ENLISTING FOR SERVICE AT PORT HALIFAX AND THE BLOCK HOUSE AT CUSHNOC.

Voted That there be allowed to be paid out of the publick Treasury three dollars each to such Soldiers not exceeding eighteen in number as shall inlist into the Service at Fort Halifax and the Block house at Cushnoc for the space of twelve Months, or of five dollars each to such of said number of Soldiers as shall inlist into said Service for the space of two Years, And that his Excellency the Captain General be desired to give orders for inlisting said Men accordingly. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
457.

House Jour-
nal, p. 197.

CHAPTER 132.

RESOLVE ALLOWING £750 TO THE JUSTICES.

Resolved that the Sum of Seven hundred and Fifty pounds be Granted & paid out of the Public Treasury to the Hon^{ble} Justices of the Superiour Court of Judicature, Court of assize & General Goal Delivery for their Services for one Year ending the first instant. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
457. Mass.
Archives,
xliv., 397.

House Jour-
nal, p. 195.

CHAPTER 133.

RESOLVE ALLOWING £40 TO THE CHIEF JUSTICE.

Legislative
Records of the
Council, xxii.,
457. Mass.
Archives,
xlv., 394.

House Jour-
nal, p. 193.

Resolved that the sum of Forty pounds be Granted & paid out of the public Treasury to the Hon^{ble} Stephen Sewall Esq^r in consideration of his faithful Discharge of the important Trust reposed in him as Chief Justice and for his further encouragement therein. [*Passed January 18.*]

CHAPTER 134.

RESOLVE ALLOWING £250 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative
Records of the
Council, xxii.,
457.

House Jour-
nal, p. 196.

Resolved That the sum of Two hundred and fifty pounds be granted and allowed to be paid out of the publick Treasury to the Reverend Mr Edward Holyoke president of Harvard College over and above the Rents of Massachusetts Hall for one year ending the tenth day of September next, to be paid Quarterly. [*Passed January 18.*]

CHAPTER 135.

RESOLVE ALLOWING £100 TO THE HOLLISIAN PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Legislative
Records of the
Council, xxii.,
458.

House Jour-
nal, p. 196.

Resolved That there be granted and allowed to be paid out of the publick Treasury to the Rev^d Doct^r Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important Trust reposed in him, and for his further encouragement therein. [*Passed January 18.*]

CHAPTER 136.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative
Records of the
Council, xxii.,
458.

House Jour-
nal, p. 196.

Resolved That the sum of Fifty pounds be granted and allowed to be paid out of the publick Treasury to the honourable Andrew Oliver Esq^r Secretary of this province for his Services for one year ending the sixth day of December last. [*Passed January 18.*]

CHAPTER 137.

RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Resolved That the sum of Ninety pounds be granted and allowed to be paid out of the publick Treasury to the honourable Andrew Oliver Esq^r Secretary of this province in consideration of his extraordinary Services to the sixth day of December last. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
458.

House Jour-
nal, p. 196.
Supra, chap.
136.

CHAPTER 138.

RESOLVE ALLOWING £90 TO THE PROFESSOR OF MATHEMATICKS AT HARVARD COLLEGE.

Resolved That there be granted and allowed to be paid out of the publick Treasury to John Winthrop Esq^r Hollisian professor of the Mathematicks and Natural philosophy at Harvard College in Cambridge the sum of Ninety pounds as a Gratuity in consideration of his faithful discharge of that Trust reposed in him, and for his further encouragement therein. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
458.

House Jour-
nal, p. 196.

CHAPTER 139.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Resolved That the sum of Two hundred and Sixty seven pounds be granted and allowed to be paid out of the publick Treasury to Harrison Gray Esq^r Treasurer and Receiver General of his Majesty's Revenues of this province for a Years Service ending the 23^d of December last. [*Passed January 18.*]

Legislative
Records of the
Council, xxii.,
458.

House Jour-
nal, p. 196.

CHAPTER 140.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

In the House of Rep^{res}

Resolved That there be Granted & Allowed to be paid out of the public Treasury the sum of four shillings p Diem to the Hon^{ble} Thomas Hubbard Esq^r Speaker of the House for every day of his attendance in the General Court from the opening of the Session on the 31st day of may 1758 over & above his pay as a member of this House.

Legislative
Records of the
Council, xxii.,
459. Mass.
Archives, i., 97.

House Jour-
nal, p. 196.

In Council Read & Concurred. [*Passed January 18.*]

CHAPTER 141.

RESOLVE ALLOWING £75 TO THE CLERK OF THE HOUSE.

Legislative
Records of the
Council, xxii.,
459.

House Jour-
nal, p. 196.

Resolved That there be granted and allowed to be paid out of the publick Treasury the sum of Seventy five pounds to Henry Gibbs Esq^r Clerk of the House of Representatives for his Service during the several Sessions of the General Court the current Year. [*Passed January 18.*]

CHAPTER 142.

RESOLVE ALLOWING £6 TO THE CHAPLAIN TO THE BOARD.

Legislative
Records of the
Council, xxii.,
459. Mass.
Archives, xiv.,
98.

House Jour-
nal, p. 197.

Resolved that there be allowed & paid out of the public Treasury the sum of Six pounds to the Rev^d M^r Jeremy Condry, Chaplain to the Hon^{ble} Board the Current Year. [*Passed January 18.*]

CHAPTER 143.

RESOLVE ALLOWING £6 TO THE CHAPLAIN TO THE HOUSE.

Legislative
Records of the
Council, xxii.,
459. Mass.
Archives, xiv.,
99.

House Jour-
nal, p. 197.

Resolved that there be allowed & paid out of the public Treasury the sum of Six pounds to the Rev^d M^r Samuel Cooper Chaplain to the House of Representatives the Current Year. [*Passed January 18.*]

CHAPTER 144.

RESOLVE ALLOWING £50 TO LIEUT. JOHN LARRABEE OF CASTLE WILLIAM.

Legislative
Records of the
Council, xxii.,
459.

House Jour-
nal, p. 197.

Resolved That there be allowed and paid out of the publick Treasury the sum of Fifty pounds to John Larrabee Lieutenant of his Majesty's Garrison at Castle William in consideration of his faithful discharge of that Trust reposed in him. [*Passed January 18.*]

CHAPTER 145.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £40 TO THE DOOR-KEEPER.

Legislative
Records of the
Council, xxii.,
459. Mass.
Archives,
xiv., 396.

House Jour-
nal, p. 197.

Resolved that there be allowed & paid out of the Public Treasury the sum of Sixty pounds to M^r William Baker, Door Keeper to his Excellency the Governor & this Court for his Service for one Year to be paid Quarterly, and also the further sum of Forty pounds in consideration of his Expence in hiring assistance, & extraordinary care & Trouble as Door Keeper. [*Passed January 18.*]

CHAPTER 146.

RESOLVE ALLOWING £18. 16 TO TITUS KING.

A PETITION of *Titus King* of *Northampton*, in the County of *Hampshire*, setting forth, that he was a Soldier in the Forces employed for the Defence of the Western Frontiers, and captivated by the Indian Enemy in *June* 1755; that he continued in their Hands & among the French 'till *September* 1757, when he paid his Ransom with Money borrowed of some English Gentlemen in *Canada*, which he now owes, and was transported to *England*, from thence to *New-Jersey*, and arrived home after suffering innumerable Hardships by Sickness and otherways, in his Absence; and praying such Allowance for his Expences and Sufferings, as shall be judged reasonable.

Read, and [report] accepted, and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *Eighteen Pounds sixteen Shillings*, in full Consideration of his Sufferings and Expences mentioned.¹
[*Passed * January 19.*²

House Journal, pp. 155, 173.

Executive Records of the Council, xlii., 465.

CHAPTER 147.

ORDER IMPOWERING PATIENCE WOODS, ADM^x, AND DANIEL FORBUSH, GUARDIAN, TO SELL LAND.

A PETITION of *Patience Wood* Administratrix of the Estate of her late Husband *Solomon Wood* of *Westborough* deceased, and of *Daniel Forbush* Guardian of *Isaac Woods* of said *Westborough* a person Non Compos, setting forth that the deceaseds personal Estate is not sufficient to pay his Debts, that his Real Estate consisting of Fifty Acres of Land was apprized at One hundred and sixty pounds, twenty five Acres of which is Mortgaged for the support of the deceaseds Brother *Isaac Woods* a person Non Compos; and that the deceased was under Obligation to support his antient Mother still living, and There being likewise eight Children, all under Sixteen years of Age to be maintained out of said Estate; praying for leave to Sell the same, they to be accountable for the produce according to Law.

Read and

Ordered, That the prayer of this petition be granted, and that the petitioners be and they hereby are impowered in their said Capacities to make Sale of the whole of the Fifty Acres of Land mentioned for the most the same will fetch, and to execute a good and sufficient deed or deeds of Conveyance thereof in the Law, they observing the directions of the Law respecting the Sale of Lands by Executors & Administrators and giving sufficient caution to the Judge of Probate for the County of *Worcester* to apply the proceeds thereof for the purposes mentioned and duly to Account for their proceedings therein. [*Passed January 19.*

Legislative Records of the Council, xxii., 460.

House Journal, pp. 190, 198, 199. Province Laws, ii., 151, chap. 10.

¹ Not found in Legislative Records of the Council, xxii.

² This date is according to Executive Records of the Council; according to the House Journal the date is January 12.

CHAPTER 148.

RESOLVE ALLOWING £4. 13. 10½ TO GERSHOM NEWTON.

Legislative
Records of the
Council, xxii.,
461. Mass.
Archives,
lxxviii., 147.

A PETITION of Gershom Newton, a Soldier in the Crown point Expedition in 1757. Setting forth that he was omitted in the Muster Roll, and praying an Allowance for two Months and seventeen days service.

Mass.
Archives,
lxxviii., 147.
House Jour-
nal, pp. 165, 200.

Read and

Resolved that there be allowed and paid out of the public Treasury to Jos: Buckminster Esq^r for y^e Petitioner's use the sum of four pounds thirteen shill^s & ten pence half peny in full of what y^e said Gershom was Made up short in Cap^t Ball's Muster Roll for y^e Campaign in y^e Year 1757. [*Passed January 19.*]

CHAPTER 149.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK, TO TAKE A BOND FROM ROYALL TYLER, EXECUTOR.

Legislative
Records of the
Council, xxii.,
462. Mass.
Archives, xix.,
675.

A PETITION of Royal Tyler Esq^r Executor of the last Will and Testament of his Father William Tyler Esq^r late of Boston deced. setting forth, That the Testator after several Specific Legacies devised the Remainder of his Estate among his four Children equally, and made the petitioner sole Executor of his Will, That all the others interested with the petitioner in the said residuary devise are desirous that the petitioner giving Bond to pay the debts and Legacies may be excused from making such Inventory which by the literal Construction of the Law he is obliged to do; And praying that the Judge of Probate for the County of Suffolk may be enabled to accept of such Bonds in lieu of an Inventory.

Mass.
Archives, xix.,
674. House
Journal, pp. 80,
107, 165.

Read and

Ordered, That the Prayer of this Petition be so far granted, as That the Judge of Probate for the County of Suffolk be, And he hereby is Authorized and impowered to take Bond with sufficient sureties of the Petitioner to pay the Debts and Legacies of the deceased as Mentioned; And That upon the Petitioners giving Bond as aforesaid, he be excused from exhibiting an Inventory of the said deceased's Estate. [*Passed January 19.*]

CHAPTER 150.

VOTE ACCEPTING REPORT OF COMMITTEE ON INSTRUCTIONS TO MR. BOLLAN IN REGARD TO PARLIMENTARY GRANT.

Legislative
Records of the
Council, xxii.,
461. Mass.
Archives,
xxii., 71.

THE COMMITTEE appointed the 18th Instant to prepare Instructions to William Bollan Esq^r reported as follows, Signed by order of the Committee.

J. OSBORNE.

House Jour-
nal, pp. 199, 204.
Ante, p. 263,
chap. 130.

You are hereby directed to Ship the Money granted by Parliament for reimbursing the Charges incurred by this Government for supplying the Forces with provisions in the year. 1756. now in your

hands in one of his Majesty's Ships directly to Boston consigned to Harrison Gray Esq^r Treasurer in Johanna's of full weight if to be procured, or otherwise in other portugal or Spanish Gold. But if no Kings Ships should be coming to Boston direct, You are to inquire if any of the Kings Ships are bound to New York, Halifax or Louisbourg, and upon finding such Conveyance, You are to make Application to the Lords of the Admiralty for liberty to Ship the Money aboard and for orders for such Ship to proceed therewith to Boston, after having delivered her dispatches at either of the places aforesaid, and to get the same insured on the best terms you can.

Read and Accepted. [*Passed January 20.*¹

CHAPTER 151.

ORDER ALLOWING £5.13.8 TO STEPHEN STEARNS, ADM^r.

A PETITION of Stephen Stearns Administrator of the Estate of his late Brother Daniel Stearns of Hardwick deceased, Setting forth That his said Brother was a Soldier in the Crownpoint Expedition in the year. 1755. who returned home Sick and died, And praying an Allowance for the Expence of his Sickness; which petition passed the two Houses 25 March last

Read And

Ordered, That this Petition be revived, and That there be allowed to be paid out of y^e Public Treasury to y^e Petitioner the sum of five pounds thirteen shills and eight pence in full for y^e Charges of his said Brothers Sickness and Doctors Bill mentioned. [*Passed January 20.*

Legislative
Records of the
Council, xxii.,
463. Mass.
Archives,
lxxvii., 244.

Legislative
Records of the
Council, xxii.,
287. Executive
Records of the
Council, xiii.,
363, 484. House
Journal,
pp. 180, 388
(March, 1758);
pp. 204, 205.

CHAPTER 152.

ORDER IMPOWERING MEHET^a DUNNEL, ADM^r, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mehetable Dunnel Administratrix of the Estate of her late Husband Jonathan Dunnel jun^r late of Sutton in the County of Worcester, setting forth, That the deceased's personal Estate was apprizd at twenty nine pounds ten shillings, that the debts Funeral Charges &c. amount to almost Twenty three pounds without any Allowance to her for Housekeeping; That his Real Estate was apprizd at One hundred thirty three pounds 6/8 three Acres part whereof was apprizd at Six pounds 13/4 lying at some distance from the rest, which She prays She may be impowered to make Sale of She to be Accountable.

Read and

Ordered That the prayer of this Petition be granted, and that the petitioner in her Capacity as Administratrix be and She hereby is impowered to make Sale of the three Acres of Meadow within mentioned for the most the same will fetch first posting up Notification of the time and place of Sale agreeable to the Rules prescribed in the Law of the 6th Geo. 1. ch. 3. directing how Executors or Administrators shall proceed in the Sale of Housing and Land;

Legislative
Records of the
Council, xxii.,
463.

House Jour-
nal, p. 204.
Province
Laws, ii., 151,
chap. 10.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 19.

and that the Money arising by such Sale be applied towards the payment of the deceaseds debts, and the Overplus (if any be) be divided among the proper Heirs of the Deceased agreeable to Law, She first giving due caution to the Judge of Probate for the County of Worcester to be Accountable. [*Passed January 20.*]

CHAPTER 153.

VOTE TO CONTINUE THE ESTABLISHMENT FOR THE FORTS AND GARRISONS ON THE EASTERN & WESTERN FRONTIERS.

Legislative
Records of the
Council, xxii.,
465.

House Jour-
nal, p. 206.
Ante, p. 232,
chap. 56.

Voted that the Establishment of Pay and Subsistence of Officers and Soldiers at the several Forts and Garrisons on the Eastern and Western Frontiers passed this Court in their Session in October last, and now expired be and the same hereby is continued from the time of the expiration thereof, until the next sitting of the Court. [*Passed January 22.*]

CHAPTER 154.

ORDER IMPOWERING JAMES BALDWIN, ADM^R, AND MEHETABLE RICE, ADM^S, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
465.

House Jour-
nal, pp. 209, 210.
Province
Laws, ii., 151,
chap. 10.

A PETITION of James Baldwin Administrator, and of Mehetabel Rice Administratrix of the Estate of Nathan Rice late of Spencer deceased, Setting forth That the deceased's personal Estate is not sufficient to pay his debts, that the Real Estate was appraised at £38.13.4 and as it is necessary that a part thereof should be sold for payment of debts; praying for liberty to sell the whole; they to be Accountable.

Read and

Ordered that the prayer of this petition be granted, and that the petitioners in their Capacity be and they are hereby empowered to make Sale of the Real Estate of the deceased for the most the same will fetch, and to execute a good deed or deeds in the Law for conveying the same they first duly posting up Notifications of the time and place of Sale agreeable to the Law of the sixth of King George the first, Chap. 3^d relating to Executors and Administrators proceedings in the Sale of Housing and Land and giving Caution to the Judge of probate for the County of Worcester; that the Money arising by such Sale be applied as follows, Viz^t the Interest of one third part thereof to be for the Use of the Deceaseds Widow during Life and at her death to be divided among the proper Heirs of the Deceased, and the remaining two thirds be applied for the payment of the deceaseds debts, and that the residue be put to Interest for the use and advantage of the Minors. [*Passed January 23.*]

CHAPTER 155.

ORDER IMPOWERING JONATHAN FAIRBANKS, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jonathan Fairbanks Administrator of the Estate of Benjamin Glazier late of Lancaster in the County of Worcester deceased, setting forth, That the deceaseds Debts exceed his personal Estate more than Twenty two pounds; That his Real Estate was apprized at Eighty six pounds thirteen shillings and four pence, That to set off the Widows thirds, and then sell sufficient to pay the Debts would spoil the whole, That there are three Children, the eldest about eight years old; and praying liberty to sell the whole of said Real Estate for the benefit of those interested therein, after paying the deceaseds Debts.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner in his said Capacity be and he is hereby empowered to make Sale of the Real Estate of the deceased for the most the same will fetch, and to make & Execute a good deed in the Law for conveying the same, he first posting up Notifications of the time and place of Sale agreeable to Law of the 6th Geo. 1. Chap. 3. relating to Executors and Administrators proceedings in the Sale of Housing and Land; and giving caution to the Judge Of Probate for the County of Worcester, that the Money arising by such Sale be applied as follows, Viz^t the Interest of one third part thereof to be for the use of the Widow of the Deceased during Life; and at her Death to be divided among the proper Heirs of the Deceased; and the remaining two thirds to be applied for the payment of the deceaseds debts, and that the Residue be put to Interest for the use and advantage of the Minors. [*Passed January 23.*]

Legislative
Records of the
Council, xxii.,
466.

House Jour-
nal, p. 210.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 156.

ORDER IMPOWERING JOHN BRADISH, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Bradish of Hardwick in the County of Worcester, Executor of the last Will and Testament of John Green late of said Hardwick Tanner deceased, setting forth that on the 24 June. 1755. the said John made his last Will and soon after Died leaving a Wife and two Children, both under three years of Age or thereabouts; That the personal Estate is barely sufficient to pay the Debts, and the Real Estate consists of about Sixty Acres of Land mostly unimproved with some Buildings thereon, which is given equally to his two Children, the Widow to have the Improvement of one third during Life; That the profits of the place are not sufficient to keep it in repair and support the Children, And praying liberty to sell the same for the benefit of the concerned.

Read and

Ordered that the prayer of the petition be granted, and the petitioner is hereby fully empowered in his said Capacity to make Sale of the Real Estate of the deceased for the most the same will fetch,

Legislative
Records of the
Council, xxii.,
467.

House Jour-
nal, pp. 143, 210,
211. Province
Laws, ii., 151,
chap. 10.

and to execute a good deed or deeds for conveying the same first duly posting up Notifications of the time and place of Sale agreeable to the Law of 6 Geo. 1. Ch. 3. relating to Executors and Administrators proceedings in the Sale of Housing and Land, and giving caution to the Judge of probate for the County of Worcester that the Money arising by such Sale shall be applied as follows, Viz^t the Interest of one third part thereof to be for the use of the deceased's Widow during Life, and at her death to be divided to and among the proper Heirs of the deceased, and the remaining two thirds be applied for the payment of such debts as may be still due, and the residue be put to Interest for the Use and advantage and proper Support of said Minors, and be put into the hands of their Guardians for that purpose. [*Passed January 23.*]

CHAPTER 157.

ORDER GRANTING TO JOS. CANDISH AND MARGARET FREEMAN LICENCES TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxii.,
467. Mass.
Archives, cxx.,
244.

Mass.
Archives, cxx.,
242. House
Journal,
pp. 175, 176.

A PETITION of Joseph Candish and Margaret Freeman of Boston Retailers, setting forth That they have been licensed for divers years past to sell Spirituous Liquors in the Town of Boston, but that since they last renewed their Licences they have removed to other Houses a little distant from those they formerly lived in; And praying that the Court of General Sessions of the peace to be held at Boston January instant may be impowered to grant them Licences to retail Spirituous Liquors at the Houses where they now dwell.

Read and

Ordered, That this Petition be so far granted, As that the Justices of the Court of General Sessions of the peace for the County of Suffolk, be and y^r hereby are impower'd at their present Sitting to grant the Petitioners Licences (if they see fit) to retail Spirituous Liquors in the Town of Boston at the houses where they now dwell, they producing the Approbation of the Select Men of said Town, the Time for granting Licences being elapsed Notwithstanding. [*Passed January 23.*]

CHAPTER 158.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
468.

Mass.
Archives,
lxxvii., 19, 497,
547. House
Journal, p. 191.

Resolved That there be allowed and paid out of the publick Treasury to Joseph Gerrish Esq^r for the use of Benjamin Coffin, Four pounds; To Capt. Jabez Upham for the Use of Hannah Stevens Forty shillings, and for the Use of Robert Claffan Forty shillings in full consideration of the Expences in their petitions mentioned. [*Passed January 23.*]

CHAPTER 159.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the publick Treasury to M^r Daniel Giddinge for the use of Samuel Lord Five pounds; To Capt. Jabez Upham for the use of Elnathan Beers Forty six shillings, and for the Use of Susanna Walker Five pounds; and to M^r Henry Herrick for the use of John Clark, Three pounds ten shillings in full consideration of their Expences in their petitions mentioned. [*Passed January 23.*]

Legislative
Records of the
Council, xxii.,
468.

Mass.
Archives,
lxxvii., 567, 635;
lxxviii., 94.
House Jour-
nal, p. 198.

CHAPTER 160.

ORDER GRANTING TO ELIZ^a GEORGE LICENCE TO SELL STRONG DRINK.

A PETITION of Elizabeth George of Boston Widow, praying that the Justices of the Court of General Sessions of the peace for the County of Suffolk may be impowered at their next Sitting to grant her a License to retail Spirituous Liquors at her Dwelling house in said Town

Read and

Ordered that the Prayer of this Petⁿ be so far granted as that the Justices of the General Sessions of the Peace be and hereby are authorized to grant the Pet^r a Licence for retailing Strong Liquors without Doors at their present sitting (if they see fit) she first Obtain^g the Approbation of the Select men of the Town of Boston. [*Passed January 24.*¹]

Legislative
Records of the
Council, xxii.,
468. Mass.
Archives, cxx.,
317.

Mass.
Archives, cxx.,
316. House
Journal, p. 216.

CHAPTER 161.

RESOLVE ALLOWING 50/ TO JAMES CHILDS.

A PETITION of James Childs of Barnstable, setting forth That his Servant Dominic Macdomac was a Soldier in the Western Expedition in 1757. and died in the Service, so that he could not become Accountable for his Gun, notwithstanding which there is fifty shillings deducted from his Wages on Account thereof; And praying Relief.

Read and

Resolved, That there be allowed and paid out of the Public Treasury to Edward Bacon Esq^r for the Petitioner's use the sum of fifty Shillings stopped out of the Wages due on the Muster-Roll to his Servant Dominick McDomack; who died in the service in the year 1757, on account of his Arms not being returned. [*Passed January 24.*]

Legislative
Records of the
Council, xxii.,
469. Mass.
Archives,
lxxviii., 131.

House Jour-
nal, pp. 208, 209.
Ante, p. 89,
chap. 199.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 23.

CHAPTER 162.

RESOLVE ALLOWING 40/ TO ELIZ^A PRITCHETT.

Legislative
Records of the
Council, xxii.,
470. Mass.
Archives,
lxxviii., 8.

House Jour-
nal, pp. 167, 209.

A PETITION of Elizabeth Pritchett of Grafton, setting forth That her Son Jonathan Pritchett went in the pay of this Government in the Crown point Expedition in 1756. that he returned Sick from Lake George so far as Albany, and there died, that he carried his own Gun which together with his Cloathing was lost And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to Cap^t Henry King for the Petitioner's use the sum of forty Shillings in Consideration of the Loss of the Gun Mentioned, which her Son Jonathan Pritchett since deceased, carried with him into the service in the year 1756. [*Passed January 24.*]

CHAPTER 163.

ORDER IMPOWERING HARRISON GRAY, ESQ^R, & OTHERS, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
470. Mass.
Archives, xix.,
676.

Mass.
Archives, xix.,
676. House
Journal,
pp. 134, 135, 174,
211. Province
Laws, ii., 151,
chap. 10.

A PETITION of Harrison Gray Esq^r and others Executors of the last Will and Testament of M^r Edward Gray late of Boston deceased, praying for leave to sell a part of a Dwelling house in Kingston taken by Execution on a Judgment recovered against one Joseph Stetson, they to be Accountable.

Read and

Ordered, That the Prayer of this Petition be granted, and That y^e Petitioners be and they hereby are enabled and impowered to make Sale of the Premises mentioned, and to make and execute a good Deed or Deeds in the Law for conveyance thereof, the Petitioners first giving Bond to the Judge of probate for the County of Suffolk, to pay to all the Interested that are of Age, and to the Guardians of such of them as are under Age, their respective shares of the neat proceeds of such Sale, as soon as the same are received, and also observing the Direction of the Law of this province relating to the Sale of Intestates Estates. [*Passed January 24.*]

CHAPTER 164.

ORDER GRANTING TO ABIGAIL CUTLER LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
470. Mass.
Archives, cxl.,
434.

Mass.
Archives, cxl.,
433. House
Journal,
pp. 166, 167.

A PETITION of Abigail Cutler of Brookfield in the County of Worcester, praying That the Court of General Sessions of the peace for the County of Worcester may be impowered to grant her a Licence at their next Sitting to keep a House of publick Entertainment where Her late Husband John Cutler deceased kept the same.

Read and

Ordered, That the Prayer of this Petition be so far granted, as

That the Justices of the Court of General Sessions of the peace for the County of Worcester be and they hereby are empowered at their next Term to grant the Petitioner a Licence (if they see fitt) to keep an house of public Entertainment in the Town of Brookfield, she first Obtaining the Approbation of the select men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed January 24.*]

CHAPTER 165.

ORDER RELEASING WM. RAWSON, JUN^r, FROM A FINE FOR NON APPEARANCE AT COURT.

A PETITION of William Rawson jun^r of Mendon in the County of Worcester, setting forth That he was presented by the Grand Jury in February. 1754. and recognized to appear at the Court of Sessions to be holden for said County in May following, where his Recognizance was declared forfeited that the said Court ordered a new Warrant to issue against him and at the Court of Sessions held in August following, he was fined Forty pounds and Costs, and on a Scire facias issued against him for forfeiture of his said Recognizance Judgment at the Inferiour Court held at the same time was given against him for Fifty pounds and Costs, which he must pay unless relieved by this Court, And praying that his unhappy Circumstances may be considered and he released from paying the said Forfeiture.

Legislative
Records of the
Council, xxii.,
471.

House Jour-
nal, pp. 178, 191.

Read and

Ordered That the prayer of this petition be granted; and that the petitioner be and he hereby is discharged and released from paying the said sum of Fifty pounds or any part thereof, forfeited to the use of this Government by his Non Appearance at the Court of Sessions mentioned agreeable to his Recognizance together with all Costs arising thereon, And that the Sheriff of the County of Worcester to whom was delivered the Execution issued on the Judgment of the said Inferiour Court conform himself accordingly. [*Passed January 24.*]

CHAPTER 166.

ORDER ALLOWING TIMOTHY WOODBRIDGE, ESQ^r, TO RECEIVE A DEED OF 350 ACRES OF LAND FROM JOHIAKIM YOKUN & OTHERS, INDIANS.

A PETITION of Jehoiakim Yokun and Others Indians Inhabitants of Stockbridge, setting forth that they willing to shew their Gratitude to M^r Timothy Woodbridge for his continued Services in instructing them as a School Master and his other kindnesses to them are desirous of making him a Grant of some Land, And praying that they may be empowered to convey to him their Right and Title in Three hundred and fifty Acres of Land, being about two Miles distance to the North east from Stockbridge North east Corner, of which Land they made a purchase of some Indian proprietors near Sixteen years ago for a valuable Consideration.

Legislative
Records of the
Council, xxii.,
471. Mass.
Archives,
xxxiii., 72.

Mass.
Archives,
xxxiii., 71.
House Jour-
nal, pp. 207, 208,
215. Province
Laws, xii., 245,
chap. 272.

Read and

Ordered, That the Prayer of this Petition be so far granted, as that the said Timothy Woodbridge Esq^r be and he is hereby allowed to take a Deed from said Indians of the three hundred and fifty Acres of Land within Mentioned, to him his Heirs and Assigns, to begin at the north East Corner of the Minister's Grant (so called) and to run East to Housatunnock River; and taking the said three Hundred and fifty Acres South of that Line, bounding East on said River and West on said Minister's Grant, and North on said Line. [*Passed January 24.*]

CHAPTER 167.

RESOLVE ALLOWING £5.4 TO THE COMMITTEE ON THE PETITION OF THO^s RALFE & OTHERS, INDIANS.

Legislative
Records of the
Council, xxii.,
472. Mass.
Archives,
xxxiii., 32.

House Jour-
nal, pp. 174, 175.
Ante, p. 159,
chap. 367.

A PETITION of Thomas Ralfe and others, Indians in the County of Barnstable praying as entered [*ante*, p. 159, chap. 367]

The Committee appointed on the Petition of John Ralph Indian and others having attended that service and after Due Notis Given to the Parties Concearned Repaired to the Lands mentioned in said Petition Boath Parties Being Present and after veiwing the Premises and Carefully Examining the several Deeds and instruments shown to us by the Parties Relating to the Premises and fully hearing the Parties Report as our oppinion that the antiant sacham of those Lands Conveyed the same to the Proprietors of the Town of Eastham altho the Boundaries are not Clearly assartaind by Reason of the Rivers and Brooks altering by the sand Blowing into them the Committee further Report that on a Confferrance had with M^r silvanus snow one of the Respondants and Agent for s^d town or Propriety Relating to the Diffuculty of assartaining y^e affore s^d Bounds that the said snow in his Capacity as agent Consents that the Petitioners and others of the neibouring Indians and their Heirs shall forever here after have a Good Right to whale on Billingsgate point so Called and also to Cut Thach for their whale Houses Personally as they may have occation and that this Court make such order as may be thought Proper accordingly and that s^d Petition be Dismist all which is Humbly submitted and that s^d Petition be Dismist

GAM^L BRADFORD by order

Read and not Accepted; And

Resolved, That there be allowed and paid out of the Public Treasury to the Said Committee the sum of five pounds four Shillings in full for their Time and Expences in the said Service. [*Passed January 24.*]

CHAPTER 168.

ORDER DIVIDING THE TOWN OF SCARBOROUGH INTO TWO PARISHES AND CALLING A TOWN MEETING FOR THE ELECTION OF OFFICERS THEREFOR.

Legislative
Records of the
Council, xxii.,
473.

House Jour-
nal, p. 224.

A PETITION of Richard King of Scarborough in the County of York, praying that the said Town may be divided into two distinct parishes according to the Vote of said Town on the 20th day of November last, and their Agreement consequent thereupon.

Ordered That the Town of Scarborough in the County of York be and hereby is divided and made into two parishes by the following Bounds, Viz^t To begin at the Mouth of Black point River, and by said River until it comes to the Mouth of Mill Creek, and by said Creek to the parting thereof, and there by the Westernmost Branch of the said Creek till it comes to the Bridge over the said Creek, below a Saw Mill belonging to Nathaniel Harmon and Enoch Libby on the Countrey Road, and from said Bridge to run a line to the head of said Town, so as shall include Three thousand five hundred Acres to the Northeast of a Northwest line from said Bridge, provided nevertheless that if by running of said Line as aforesaid, William McLaughlen and Benjamin Foster jun^r and their Settlements, and the other present Settlements in that Range to the Southward of the River near the House of the said Benjamin fall within the Bounds of the East parish; that they and every of them and their respective Estates as aforesaid shall belong to and be parcel of the Western parish in said Town there to do duty and receive privilege, And that the said East parish be the first parish in said Town; And that Edward Milliken Esq^r be and hereby is directed and empowered to issue his Warrants for calling a Meeting in the respective parishes for the choice of Parish Officers; and the respective parishes are hereby empowered to chuse the same accordingly. [*Passed January 25.*]

CHAPTER 169.

RESOLVE ALLOWING £60 AND A FURTHER AMOUNT OF £20.9.4 TO ROBERT BALLS.

A PETITION of Robert Balls, Keeper of the Lighthouse, praying an Allowance for his Service the year past, and for Wood purchased by him for the advantage of the Light.

Read and

Resolved That there be allowed and paid out of the publick Treasury to the Memorialist the sum of Sixty pounds for his Services as Keeper of the Light house the year past ending the 19th November last, with the further sum of Twenty pounds nine shillings and four pence in discharge of his Account of Firewood expended for the benefit of the Light during that time. [*Passed January 25.*]

Legislative
Records of the
Council, xxii.,
474.

House Jour-
nal, pp. 186, 219.

CHAPTER 170.

RESOLVE ALLOWING £40 TO M^r JOHN PHILLIPS, CHAPLAIN AT CASTLE WILLIAM.

Resolved That there be granted and allowed to be paid out of the publick Treasury to M^r John Phillips Chaplain of his Majesty's Castle William the sum of Forty pounds as a Gratuity for his Service in that trust for one year. [*Passed January 25.*]

Legislative
Records of the
Council, xxii.,
474.

House Jour-
nal, pp. 216, 218.

CHAPTER 171.

RESOLVE ALLOWING £100 TO HARRISON GRAY, ESQ^R, PROVINCE TREASURER.

Legislative
Records of the
Council, xxii.,
474. Mass.
Archives, ciii.,
680.

Mass.
Archives, ciii.,
679. House
Journal,
pp. 218, 219.

A MEMORIAL of Harrison Gray Esq^r Province Treasurer, setting forth his extradaynary trouble in issuing Government Securities to the Amount of £118,000 and in paying off the Forces raised for the General Service in 1757. to each Man respectively, and the Bounty and Billeting for upwards of 6,000 men raised the last year, all which has obliged him to keep a Clerk extraordinary, And praying an Allowance.

Read, and

Resolved, That there be allowed and paid out of the Public Treasury to Harrison Gray Esq^r Treasurer and Receiver General of this Province, the sum of One Hundred Pounds, in Consideration of his extraordinary services to this Time. [*Passed January 25.*]

CHAPTER 172.

VOTE ACCEPTING REPORT OF COMMITTEE IN REGARD TO PERSONS ON ONE OF THE SEAL ISLANDS.

Legislative
Records of the
Council, xxii.,
474. Mass.
Archives, lxxv.,
541.

Mass.
Archives, lxxv.,
540. Legisla-
tive Records of
the Council,
xxii., 472.
House Jour-
nal, pp. 218, 219,
221.

THE COMMITTEE appointed yesterday to make inquiry into the Affair respecting some persons supposed to be in distress on one of the Seal Islands Reported that they had attended the Service and examined M^r James Huckman and David Freeman and were of Opinion from that relation that some persons may be on said Island under perishing Circumstances; and that some suitable Vessel be taken up by this Government as soon as may be, and proceed to the Relief of such persons; and that James Huckman be one of the Men sent in the Vessel to conduct to the place where he saw the Signal.

Read and Accepted. [*Passed January 25.*]

CHAPTER 173.

ORDER IMPOWERING LYDIA HOW, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
475.

House Jour-
nal, pp. 209, 216.
Province
Laws, li., 151,
chap. 10.

A PETITION of Lydia How Widow of Francis How late of Rutland deceased, setting forth, That by the last Will and Testament of her said Husband, he gave to her the whole of his personal Estate after his Debts were paid, and the Improvement of his Real Estate during her Widowhood, and upon her marriage or Death to a Nephew who is about twelve years old. That a little before his Death he made a purchase of Seven Acres of Land for Eighteen pounds $13/4$ by reason of which his personal Estate will not be sufficient to pay his debts, And praying that She as Administratrix may be empowered to Sell the same.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner be allowed in her Capacity within mentioned to make Sale of the Seven Acres of Land for the most the same will fetch, She first posting up Notifications of the time and place of Sale according to Law in that case provided and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of such Sale shall be duly applied to the payment of the Debts of the said deceased, and the Overplus thereof (if any there be) secured to the Heirs of the said deceased. [*Passed January 25.*]

CHAPTER 174.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF DUKES COUNTY AND ALLOWING 30/ FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxii.,
475. Mass.
Archives, cxx.,
249.

ZACCHEUS MAHEW and others a Committee appointed to farm out the Excise on Spirituous Liquors in the County of Dukes County, made report that they had sold the same to Capt. Samuel Cobb of Tisbury for Nineteen pounds six shillings and eight pence; and prayed Allowance of Thirty shillings their charge and Expence.

Read and

Ordered, That this report be Accepted; And there be Allowed and paid out of the public Treasury to the said Committee thirty shillings in full discharge of their Acco^t of Time and Expences exhibited. [*Passed January 25.*]

Executive
Records of the
Council, xiii.,
483. House
Journal,
pp. 213, 214, 220.
Province
Laws, xv., 663,
chap. 335.
Ante, p. 53,
chap. 110.

CHAPTER 175.

RESOLVE ALLOWING £7.17.6 TO DANIEL BISHOP.

A PETITION of Daniel Bishop of Rehoboth, setting forth, That he was a Soldier in Capt. Arbuthnotts Company at Fort Edward in the year. 1757. but that he was omitted in making up the Muster Roll; And praying Relief.

Read & *Ordered* That the Petition be revived and

Resolved, That there be allowed and paid out of the public Treasury to Cap^t Timothy Walker for the Petitioner's Use Seven pounds seventeen Shillings & six pence in full for four Months & eleven Days Wages he was made up short in the Muster Roll of the Company he belonged to in the Forces raised the last Year for his Majesty's service, under the Command of his Excellency the Earl of Loudoun. [*Passed January 25.*]

Legislative
Records of the
Council, xxii.,
476. Mass.
Archives,
lxxvii., 565.

Mass.
Archives,
lxxvii., 565.
Legislative
Records of the
Council, xxii.,
329. House
Journal,
pp. 396, 438
(April, 1758);
p. 216.

CHAPTER 176.

RESOLVE ALLOWING £150 TO JOHN WHEELWRIGHT, ESQ^R, LATE COMMISSARY GENERAL.Legislative
Records of the
Council, xxii.,
476.House Jour-
nal, pp. 216, 217.

Resolved That there be granted and allowed to be paid out of the publick Treasury to John Wheelwright Esq^r late Commissary General the sum of One hundred and fifty pounds for one years Service ending the 24. February next. [*Passed January 25.*]

CHAPTER 177.

VOTE ALLOWING SUBSISTENCE TO SOLDIERS ON THEIR RETURN.

Legislative
Records of the
Council, xxii.,
476.Province
Laws, xv., 432,
chap. 256.

Voted That the same Allowance be made to the Soldiers for their Subsistence on their return from the Army to their respective Homes in the year. 1757. as was allowed on the Expedition against Crown point in 1755. and on the same Conditions.¹ [*Passed January 25.*]

CHAPTER 178.

RESOLVE ALLOWING £3 TO DEB^O AUSTEN, ADM^R.Legislative
Records of the
Council, xxii.,
476. Mass.
Archives,
lxxviii., 137.Mass.
Archives,
lxxviii., 137.
House Jour-
nal, pp. 129, 179.
Province
Laws, xv., 452,
chap. 310.

A PETITION of Deborah Austen Widow and Administratrix of the Estate of Ebenezer Austen late of Dighton deceased, setting forth, That the said Ebenezer inlisted into his Majesty's Service on both the Crown point Expeditions in 1755. and 1756. and was thereby intitled to half pay during the intermediate Space; but that he was not made up in any Roll for the same, And praying Relief.

Read and

Resolved, That there be allowed and paid out of the Public Treasury to the Petitioner, in her said Capacity the sum of three pounds, in full of the half pay the said Ebenezer was entitled to on his re-inlisting into the service on the Expedition against Crown Point, in the year 1756. [*Passed January 25.*]

CHAPTER 179.

RESOLVE ALLOWING £8 TO SAM^L PEARCE.Legislative
Records of the
Council, xxii.,
477. Mass.
Archives,
lxxviii., 111.Mass.
Archives,
lxxviii., 111.
House Jour-
nal, pp. 177, 215,
216.

A PETITION of Samuel Pearce of Newbury in the County of Essex, setting forth, That his Apprentice one Thomas Greenleaf a Soldier in the Crown point Expedition in 1757. was taken Captive at Fort William Henry and carried to Quebec, where he was reduced to a low state of health for whose Support, his Brother then also a prisoner there advanced the sum of £5.6.8 That in December 1757. the said Thomas returned to Newbury just recovered from the Small pox, and after his return had a Fever and other Illnesses which

¹ Not found in the House Journal.

rendered him incapable of Service till about the middle of May last; And praying an Allowance for the Expences of his said Sicknesses, and for the Loss of his time.

Read and

Resolved That there be allowed and paid out of the public Treasury to Joseph Gerrish Esq^r for the Petitioners use the sum of Eight pounds in full Consideration of the Expences Mentioned. [*Passed January 25.*]

CHAPTER 180.

ORDER STAYING ALL PROCESS AGAINST SARAH WETHERED FOR SELLING SPIRITOUS LIQUORS WITHOUT A LICENCE.

A PETITION of Sarah Wethered of Boston Widow, setting forth, That her deceased Husband Samuel Wethered was at the time of his Decease a licensed Innholder in said Town, and She being informed that the Widows of such had been indulged to sell off the Stock of Liquors left in the House, had accordingly presumed so to do; and having since obtained a Licence herself, and being ready to Account for the duty of Excise upon all Liquors and other excisable Articles sold by her since her Husbands Death praying that the Collector may be directed to receive her Account and payments due from her, and that any Fines or Forfeitures incurred by her for her Doings abovementioned may be remitted.

Read, & Whereas it appears to this Court, That the Petitioner has paid to the Collector of the Excise on spirituous Liquors for the County of Suffolk, the full of the Excise due on what she had sold since her said Husbands decease to the Time of her Renewing her Licence

Ordered that the prayer of this Petition be so far granted, as that all process against her for selling spirituous Liquors without Licence be and the same hereby is stopped, the said Collector having resigned his part of all forfeitures incurred thereby, she paying the charges that have already arisen to the said Collector in said affair. [*Passed January 26.*]

CHAPTER 181.

ORDER ACCEPTING THE ACCOUNT OF THE GUARDIANS OF THE MATTAKESSET INDIANS.

GAMALIEL BRADFORD ESQ^r and others, Guardians of the Mattakesset Indians having laid before the Court their Account for Allowance which Account having been examined and reported on by two Gentlemen of the Board.

Read and

Ordered that the within Report be Accepted and that the Guardians of the said Indians be further Accomptable to them for the Ballance of the Accompt being One hundred and Sixty three pounds and seven pence farthing. [*Passed January 26.*]

Legislative
Records of the
Council, xxii.,
477. Mass.
Archives, cxi.,
436.

Mass.
Archives, cxi.,
435. House
Journal,
pp. 147, 148, 188,
224. *Ante*,
p. 240, chap. 73.

Legislative
Records of the
Council, xxii.,
478. Mass.
Archives,
xxxiii., 82.

Mass.
Archives,
xxxiii., 81.
House Journal,
pp. 228, 229.
Province
Laws, xiv., 718,
chap. 221.

CHAPTER 182.

RESOLVE ALLOWING 50/ TO ICH^A DRUCE.

Legislative
Records of the
Council, xxii.,
478. Mass.
Archives,
lxxvii., 609.

House Jour-
nal, pp. 167, 209,
227. *Ante*,
p. 89, chap.
199.

A PETITION of Ichabod Druce of Grafton, a Soldier in the late Crown point Expedition, praying that the Stoppage made for his Gun's not being returned may be taken off, the same having been Stolen from him at Green Bush.

Read and

Resolved, That there be allowed and paid out of the public Treasury to M^r Solomon Prentice for the Petitioner's use, the sum of fifty Shillings stopped out of y^e Wages due to him as made up in Cap^t Ball's Muster Roll, on Acco^t of his Arms not being returned. [*Passed January 26.*]

CHAPTER 183.

ORDER ALLOWING HEZEKIAH HOLMES RECOMPENSE FOR RETURNING DESERTERS.

Legislative
Records of the
Council, xxii.,
479.

House Jour-
nal, pp. 200, 201,
225.

A PETITION of Hezekiah Holmes of Pembroke in the County of Plymouth, setting forth That a number of Soldiers of Col^o Doty's Regiment raised the last year for the Canada Expedition deserting the Service, He was sent by the Colonel to apprehend and bring them back, which he did (agreeable to the Schedule annexed) and was at the Expence in travelling and in billeting the Soldiers back to the Camp, for which he hath received no Consideration, And praying that he may be allowed agreeable to Act of Parliament Or otherwise relieved

Read and

Ordered That there be a stoppage of Seven shillings made in each of the Wages of the Nineteen persons mentioned in the Schedule annexed as made up in the several Muster Rolls of the Companies they respectively belonged to on the last Campaign; and that the Captains of the said Companies be and they hereby are directed to pay the Sums so stopped to the petitioner in consideration of his trouble & expences mentioned. [*Passed January 26.*]

CHAPTER 184.

RESOLVE ALLOWING £4 TO JON^A BARNEY, JR.

Legislative
Records of the
Council, xxii.,
480. Mass.
Archives,
lxxviii., 150.

House Jour-
nal, pp. 219, 220,
227. *Ante*,
p. 160, chap.
370.

A PETITION of Jonathan Barney,¹ setting forth That he inlisted into his Majesty's Service the last Campaign; and went into the Service accordingly, but his Inlistment being mislaid he never received his Bounty Money, nor his Officer for him, And praying Relief.

Read and

Resolved that there be allowed & paid out of the Publick Treasury the sum of four pounds to the Petitioner for His bounty money due to him on his inlisting into the service for the last years Campaign. [*Passed January 26.*]

¹ The House Journal, p. 219, reads, "Junr."

CHAPTER 185.

ORDER IMPOWERING PHINEAS PUTNAM AND SUSANNAH GLEASON, ADMINISTRATORS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Phineas Putnam and Susanna Gleason Administrators of the Estate of Thomas Gleason jun^r late of Oxford Husbandman deceased, setting forth That the deceaseds personal Estate is only sufficient to pay his Debts and Allowance as usual to the Widow, That the Real Estate consisting of about Sixty Acres of Land and Buildings thereon in Oxford was apprized at One hundred and sixty pounds; That the said Real Estate is secured to John Chandler Esq^r for the payment of Fifty eight pounds, and as part of said Estate, must be sold for payment Of said debt, and as Selling a part would spoil the whole praying they may be impowered to Sell the whole; they to be Accountable.

Read and

Ordered That the prayer of this petition be granted, and that the petitioners be allowed to make Sale of the Land within mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds thereof, they first posting up Notifications of the time and place of Sale according to Law in that case provided and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of such Sale be duly applied, Viz^t for paying the debt due to John Chandler Esq^r That the Income of One third part thereof be for the Support of the Widow of the deceased during Life, and that after the other just debts are paid, the Residue be divided to and among the Heirs, agreeable to Law, and at the decease of the Widow such part as assigned to said Widow be also divided among the Heirs as aforesaid. [*Passed January 27.*]

Legislative
Records of the
Council, xxii.,
480.

House Jour-
nal, pp. 225, 226.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 186.

ORDER IMPOWERING THE FIRST PARISH OF BOXFORD TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of the Inhabitants of the first parish in the Town of Boxford by their Agent M^r Thomas Perley, setting forth That John Rogers and Nathaniel Rogers Executors of the Testament of Susanna Rogers who was Executrix of the Testament of John Rogers late of Leominster Clerk deceased brought an Action at the Inferiour Court held at Worcester in August last against the said Inhabitants for the Recovery of certain Sums of Money by them suggested to be due to the said John the Testator, That the said Inhabitants at a regular Town Meeting impowered Thomas Perley Aaron Wood and Francis Perley a Committee to appear at said Court and defend the Action in behalf of said Inhabitants, That Francis Perley one of said Committee not appearing, the Court would not admit the Appearance of the other two, and being thus defaulted, Judgment was given against the Inhabitants of Boxford for Three hundred and seventy seven pounds 15/7 and Costs, and praying that the Justices of the next Inferiour Court to be held at Worcester may

Legislative
Records of the
Council, xxii.,
420, 481.

House Jour-
nal, pp. 116, 117,
133, 134, 200, 206,
215, 222, 226.
Province
Laws, iii., 64,
chap. 32.

be impowered to hear and try the said Cause, as if default had not been made as aforesaid.

Read and

Ordered That upon the Inhabitants of the first parish in the Town of Boxford in the County of Essex, paying John Rogers and Nathaniel Rogers Executors of Susanna Rogers (who was Executrix of the Testament of John Rogers late of Leominster Clerk deceased, who Commenced an Action against said Inhabitants at the Inferiour Court of Common pleas holden at Worcester on the Third Tuesday of August last) the Costs of said Court upon a Judgment said Executors then obtained against said Inhabitants, that said Inhabitants be and hereby are impowered to bring a Writ of Review upon the Judgment aforesaid at the next Inferiour Court of Common pleas to be holden at said Worcester on the second Tuesday of May next, and the Justices of the said Court are hereby directed and impowered to try said Action upon the Merits only, enter up Judgment and award Execution thereon accordingly, the default and Judgment aforesaid notwithstanding. [*Passed January 27.*]

CHAPTER 187.

ORDER IMPOWERING JACOB KENT, ADM^r, AND GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
482.

House Jour-
nal, pp. 122, 212.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Jacob Kent of Plaistow in the province of New Hampshire Yeoman, Administrator of the Estate and Guardian of all the Children of Jonathan Page late of Plaistow aforesaid Joiner deceased Intestate, setting forth That the deceaseds debts which appeared on the 5th June last amounted to £19.17.11½ more than all the said Jonathan's personal Estate, and that as three of the said Jonathan's Children are under Seven years of Age, charges will be continually growing against the Estate, That the said Jonathan's Real Estate, all lying in Haverhill in the County of Essex was apprizd by Men on Oath at no more than Fifty eight pounds 13/4 lawful money, part lying in Common and the rest bringing in little; And praying that he may be impowered to Sell the Estate, he to be Accountable.

Read and

Ordered That the prayer of this petition be granted; and that the said Petitioner be and he hereby is impowered in his said Capacity of Guardian to make Sale of the Lands mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds thereof to the person or persons who shall appear to give most for the same, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Essex, that the Overplus arising by said Sale after paying the deceaseds just debts shall be distributed agreeable to Law. [*Passed January 29.*]

CHAPTER 188.

ORDER IMPOWERING HANNAH WILLISTON, GUARDIAN, TO SELL LAND
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Williston of Springfield in the County of Hampshire Widow and Guardian of Margaret Williston and Hannah Williston jun^r setting forth that in the distribution of the Estate of her late Husband Joseph Williston of said Springfield, there was set off to each of said Children three Acres of Land lying in said Town at a place called Skipmuch, and is part of a Tract of Land, the remainder of which belongs to Noah Williston and Thomas Stebbins Williston who determine to Sell their Share herein; and as it lyes at four Miles distance from the Town and unprofitable to the Concerned praying liberty to Sell the same She to be accountable.

Read and

Ordered That the prayer of this Petition be granted, and that the petitioner be and she hereby is authorized and empowered in her said Capacity of Guardian to Sell the said Land of the Minors within mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds of Sale in the Law for Conveyance of the same, She first giving sufficient caution to the Judge of Probate for the County of Hampshire that the Money arising by the Sale thereof shall be respectively paid to them as they come of Age, together with the Interest that shall become due thereon. [*Passed January 30.*]

Legislative
Records of the
Council, xxii.,
484.

House Jour-
nal, pp. 187, 208,
212.

CHAPTER 189.

ORDER IMPOWERING SARAH OSGOOD, ADM^x, TO SELL LAND AND MAK-
ING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Osgood, Widow of Daniel Osgood late of Andover in the County of Essex deceased, and Administrator of his Estate, setting forth, That the deceaseds debts surmount his personal Estate Twenty three pounds 11/1.¾^d That the Real Estate is under an Entail, except Nine Acres contiguous to Land of Col^o John Osgood, And praying liberty to make Sale of said Nine Acres, She to be accountable.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner in her said Capacity of Administratrix be and She hereby is authorized and empowered to make Sale of the whole of the Nine Acres of Land therein described for the payment of the deceaseds just debts, and to make and execute a good and lawful deed or deeds of Conveyance thereof; She observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and first giving sufficient caution to the Judge of Probate for the County of Essex that the Overplus (if any remain) be secured for the lawful Heirs. [*Passed January 30.*]

Legislative
Records of the
Council, xxii.,
484.

House Jour-
nal, pp. 153, 154,
165, 166, 212, 215.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 190.

ORDER IMPOWERING NATHAN WARNER, ADM^R, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
485.

House Jour-
nal, pp. 122, 155.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Nathan Warner of Harvard in the County of Worcester, Administrator of the Estate of his late Brother Aaron Warner of said Harvard deceased, setting forth That his said Brother was under Bonds to support their Aged Mother and their Sister who is a Cripple during Life and decently to inter them at their decease; that since his said Brothers death he has expended more than Twenty six pounds upon them, and that new Expences are daily arising; And praying that he may be impowered to Sell certain Waste Lands in order to fulfill his said Brothers Obligations Viz^t Fourteen Acres lying in the Southeasterly part of said Harvard bordering mostly on Joseph Fairbanks land and on a Bye Way. As also twelve Acres in said Harvard adjoining to Land of John Sampson, Abraham Whitney and to a Bye Way; As also four Acres more in said Harvard adjoining to Seth Sawyer's Land, He to be Accountable for the proceeds of such Sales.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in his said Capacity of Administrator be and hereby is authorized and impowered to make Sale of the Lands mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds of Conveyance thereof, He observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of Worcester, that the produce arising by such Sale, shall be applied for the purposes mentioned, and the Overplus (if any there be) he to be accountable for agreeable to Law. [*Passed January 30.*]

CHAPTER 191.

ORDER IMPOWERING NATHAN FOSTER, GUARDIAN, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxli.,
486.

House Jour-
nal, pp. 130, 195,
213. Province
Laws, ii., 151,
chap. 10.

A PETITION of Nathan Foster Guardian to Sarah Foster a Minor, daughter of Nathaniel Foster late of Ipswich in the County of Essex deceased, setting forth That he is owner of one half of an Old House and small peice of Land adjoining which is continually going to decay; That he has now an Opportunity of Selling the same to good advantage, and as it is apprehended the Money arising by the Sale thereof will be much more advantageous, than the said part of the House and Land; praying liberty to make Sale thereof; the proceeds of said Sale to be improved for the said Minors benefit.

Read and

Ordered That the petitioner in his Capacity aforesaid be and he hereby is allowed and impowered to make Sale of the House and Land within mentioned for the most the same will fetch and to execute a good and sufficient deed or deeds in the Law for Conveyance thereof, He first duly posting up Notifications of the time and

place of Sale agreeable to the Law of the 6th of George the first, Chap. 3^d relating to Executors & Administrators proceedings in the Sale of Housing and Land, and giving caution to the Judge of Probate for the County of Essex to Account for the proceeds of such Sale according to Law. [*Passed January 30.*]

CHAPTER 192.

ORDER IMPOWERING MARGARET KEEN, ADM^x, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Margaret Keen Widow and Administratrix of the Estate of William Keen late of Plymouth in the County of Plymouth Shipwright deceased setting forth, That the whole Real Estate of the deceased consists of Six Acres of Land and two thirds of a Dwelling house and Barn in pembroke which was set off to the deceased in the division of the Real Estate of his Father Samuel Keen late of said Pembroke deceased apprized at Eighty pounds; That the Income is small and the Buildings growing worse, That the said William left two daughters and one Son Minors; And praying that She may be empowered to Sell said Estate for the benefit of those interested in it, She to be Accountable.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner in her Capacity of Administratrix be and She hereby is empowered to Make Sale of the Real Estate within mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds in the Law of Conveyance thereof; She observing the Law in such Cases respecting the Sale of Real Estates by Executors and Administrators and first giving sufficient caution to the Judge of Probate for the County of Plymouth that the Effects of such Sale and the Interest thereon be secured for the Right Heirs. [*Passed January 30.*]

Legislative
Records of the
Council, xxii.,
486.

House Jour-
nal, pp. 117, 141,
211. Province
Laws, ii., 151,
chap. 10.

CHAPTER 193.

ORDER IMPOWERING ELISHA ROCKWOOD, ADM^a, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisha Rockwood of Groton in the County of Middlesex Administrator of the Estate of Moses Bennet jun^r late of Shirley in said County Husbandman deceased, setting forth, That the deceased personal Estate is insufficient to pay his debts; That he died seized of about thirty Acres of Land with a poor Dwelling house thereon and left a Widow with six small Children to whom it can be but of little advantage; And praying liberty to Sell the same he to be Accountable.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner be and he hereby is empowered to make Sale of the Real Estate of the said Moses deceased for the most the same will fetch, and to execute one or more deeds for Conveyance thereof, he first giving Notice of the time and place of Sale agreeable to the Law

Legislative
Records of the
Council, xxii.,
487.

House Jour-
nal, pp. 158, 159,
201, 202. Prov-
ince Laws, ii.,
151, chap. 10.

respecting the Sale of Real Estates by Executors and Administrators, And also giving caution to the Judge of probate for the County of Middlesex that the proceeds of such Sale shall be duly applied, in the first place to discharge the deceaseds just debts, the Widow to have the Improvement of One third of the remainder during her Life in lieu of her right of Dower and at her decease to revert to the Heirs at Law, and the other two thirds to be divided among the Heirs as the Law directs. [*Passed January 31.*]

CHAPTER 194.

ORDER IMPOWERING ESTHER SHATTUCK, ADM^x, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
488.

House Jour-
nal, pp. 156, 157,
172, 211, 212.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Esther Shattuck Administratrix of the Estate of her late Husband, Moses Woods late of Pepperrell in the County of Middlesex deceased Intestate Setting forth That her late Husband died seized of a House and Barn and about Fifty Acres of Land in said pepperrell, the whole being but just sufficient for one Living, That the said Moses left eight Children the eldest Sons' being but eight years old, That one daughter is Married and desirous of having her portion, but that this small Estate can be but of little advantage to any of them when divided among them, And praying leave to Sell the same, She to be accountable for the proceeds.

Read and

Ordered That the prayer of this petition be so far granted, as that the petitioner in her said Capacity be and She hereby is Authorized and empowered to make Sale of the Lands mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds in the Law of Conveyance thereof to the purchaser or purchasers, their Heirs and Assigns, She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex, that the produce arising by such Sale shall be distributed in manner following, viz^t two thirds to be divided Among the Heirs of the said Moses Woods deceased agreeable to Law, and the petitioner to have the Interest of the other third during her Natural Life, and after her decease the said third to be likewise distributed among the said Heirs as aforesaid. [*Passed January 31.*]

CHAPTER 195.

ORDER IMPOWERING LOVE BATTLE, ADM^x, TO SELL RIGHTS IN AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
489.

House Jour-
nal, pp. 170, 171,
217.

A PETITION of Love Battle Widow and Administratrix of the Estate of her late Husband Jonathan Battle jun^r late of Dedham deceased, setting forth That Jonathan Battle Father of the said Jon^a Battle jun^r deceased did in the Life time of the said Jon^a Battle jun^r convey to him and his Heirs about Forty Acres of Land in three parcels in Dedham aforesaid with Buildings thereon, to have and to hold the same from and after the death of the said

Jonathan the father, and that in consideration hereof the said Jonathan the Son bound himself and his Heirs &c^a to maintain the said Jonathan the Father and his Wife during their Lives, and to bury them upon their decease, and to pay sundry debts that the Father then owed, and that the said Jonathan accordingly supported his said Father and Mother several years and took the said debts upon himself, and died leaving no Estate except a Negro Boy and a few Indoor moveables which he gave to the petitioner and a few Outdoor moveables. That his debts amount to Seventy six pounds, That it is probable the Reversion of the Estate incumbered as aforesaid would be insufficient to pay the debts, That upon treating with the said Jonathan the Father and Josiah Rice who Married his daughter they have mutually agreed; that upon the petitioners conveying her said Husbands Right in said Estate and the Outdoor Moveables to the said Josiah Rice, and the said Josiah's becoming bound for the supporting and burial of the said Father and Mother; and discharging the said Seventy six pounds debts, and paying to the petitioner Forty six pounds thirteen shillings and four pence for the use of her only Child Timothy Battle a Minor, the said Father shall cancel the said Bond and relinquish all claim to her said Husband's Estate, And praying She may be enabled to make such Conveyance accordingly.

Read and

Ordered That the prayer of this Petition be granted and that the petitioner be and She hereby is empowered to make Sale of the right her late Husband had at the time of his decease in the Estate within mentioned to the said Josiah Rice, he giving her Security to discharge the sum of Seventy six pounds debt due from his Estate, and paying her the sum of Forty six pounds 13/4 for the use of her only Child Timothy Battle a Minor, She to give Bond to the Judge of Probate for the County of Suffolk that the Interest thereof shall be applied towards the Support of the said Timothy during his Minority; and the principal paid him when he shall arrive at Age, and that the petitioner Sign Seal and Execute a sufficient deed of Sale of the same premisses to the said Josiah, which shall secure a good title in Law to him the said Josiah of the same premisses. [*Passed January 31.*]

CHAPTER 196.

ORDER IMPOWERING THOMAS WHITE AND SAUL ALVORD, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas White of South Hadley and Saul Alvord of Northampton both in the County of Hampshire Executors of the last Will and Testament of John Alvord late of South Hadley the younger deceased, setting forth That the deceaseds personal Estate is insufficient to pay his just debts, That he died seized of two parcels of Land contiguous, that the Sons of the deceased are unable to take the same, and pay the other Heirs of the deceased their Shares and his just debts, and that it will sink the value of the Estate to break and divide it, And praying they may be enabled to Sell the whole, they to be Accountable.

Read and

Legislative
Records of the
Council, xxii.,
490.

House Jour-
nal, pp. 124, 125,
136. Province
Laws, ii., 151,
chap. 10.

Ordered That the prayer of this petition be so far granted as that the petitioners be and they hereby are authorized and impowered in their said Capacity, to make Sale of the Real Estate mentioned for the most the same will fetch and to make and execute a good and sufficient deed or deeds of Conveyance thereof, they Observing the Rules of the Law respecting the Sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of probate for the County of Hampshire for applying the proceeds of said Sale to discharge the just debts and Legacies of the deceased, and for securing the Remainder to the Right Heirs. [*Passed January 31.*]

CHAPTER 197.

RESOLVE ALLOWING £80.10 TO ANDREW OLIVER, SECRETARY.

Legislative
Records of the
Council, xxii.,
490. Mass.
Archives, l., 92.

Mass.
Archives, l., 92.
House Jour-
nal, pp. 220, 221,
223, 234.

A MEMORIAL of Andrew Oliver Esq^r Secretary of the province setting forth sundry Services for which he has received no Fee or Reward, as transmitting home the Minutes of Council and Assembly and the receiving a great number of petitions preferred by poor Soldiers, French Neutrals, Indians and other poor persons, and making Entries thereon; as also his Expence for Clerks to forward the publick Business; And praying that the Court would take such Order therein as they shall judge reasonable.

Read and

Resolved, That there be allowed and paid out of the Public Treasury to the Memorialist the Sum of Eighty Pounds ten Shillings in consideration of the Petitions from poor & Distressed Servants of y^e Government &c, passed on by the General Court during the Time mentioned, for which he has received no fee. [*Passed January 31.*]

CHAPTER 198.

RESOLVE ALLOWING £15.6 TO WILLIAM HARVEY.

Legislative
Records of the
Council, xxii.,
491. Mass.
Archives,
lxxviii., 155.

Mass.
Archives,
lxxviii., 154.
House Jour-
nal, pp. 214, 232.
Ante, p. 135,
chap. 312.

A PETITION of William Harvey, setting forth That he was a Soldier in the pay of this Government under Capt. Joseph Ingersoll in the year. 1757. and was at Fort William Henry when the place was taken, when the said Captain lost all his papers, by which means as he apprehends he was omitted being made up in the Muster Roll; and praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Pet^r y^e sum of fifteen Pounds six Shillings, in full of the Wages due to him as a Soldier in y^e Forces raised by this Gov^t und^r y^e Com^d of his Excell^y y^e Earl of Loudoun, from y^e 1 March 1757, to y^e 9th Aug^t following, & for y^e two months extra Wages allowed to Sold^{rs} included in y^e Capitulation at Fort W^m Henry, And for his Subsistence on his return home from y^e Army. [*Passed January 31.*]

CHAPTER 199.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Resolved That there be allowed and paid out of the publick Treasury to William Lawrence Esq^r for the Use of Robert Wilson the sum of Six pounds, and for the use of Isaac How, Forty shillings; To Timothy Woodbridge Esq^r for the Use of Josiah Williams Ten pounds; To William Richardson Esq^r for the use of Richard Stuart Four pounds; To Capt. Thomas Morey for the Use of Bathsheba Basset Forty shillings; and to John Noyes Esq^r for the Use of Obadiah Perry thirteen shillings and four pence in full consideration of the Expences in their petitions mentioned. [*Passed* January 31.*]

Legislative
Records of the
Council, xxli.,
491.

Executive
Records of the
Council, xlii.,
484. House
Journal, p. 231.

CHAPTER 200.

ORDER IMPOWERING KEZIAH PRATT, ADM^x, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Keziah Pratt Administratrix of the Estate of Joseph Pratt late of Plympton in the County of Plymouth deceased, setting forth, That the said deceaseds personal Estate is not sufficient to pay his debts, that when so much of the Real Estate is sold as would pay the debts there will not be enough left for a Settlement, And praying leave to Sell the whole, She to be accountable.

Legislative
Records of the
Council, xxli.,
498.

House Jour-
nal, pp. 124, 136.
Province
Laws, li., 151,
chap. 10.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in her said Capacity of Administratrix be and She hereby is authorized and impowered to make Sale of the Real Estate mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds of Conveyance thereof, She observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of probate for the County of plymouth for applying the proceeds thereof to discharge the just debts of the deceased and for securing the Overplus (if any there be) for the right Heirs. [*Passed January 31.*]

CHAPTER 201.

VOTE ALLOWING TWO PENCE PER DIEM PER MAN TO INNKEEPERS
FOR ENTERTAINING REGULAR SOLDIERS.

Voted that there be allowed & paid out of the public Treasury to such of the Taverners who entertained agreeable to y^e Laws of y^e Prov. any of his majestys Regular Forces in the year 1758, and that shall entertain any such till June next, two pence Sterling p^r day for each private Soldier entertained by such Taverners upon their exhibiting their Accounts properly Vouched to the Governor & Council. [*Passed February 1.*]

Legislative
Records of the
Council, xxli.,
495. Mass.
Archives, cxl.,
438.

House Jour-
nal, p. 241.
Province
Laws, xv., 615,
chap. 214.

¹ This date is according to Legislative Records of the Council, although the warrant is given under date of January 30.

CHAPTER 202.

ORDER GRANTING £250 STERLING FOR A MONUMENT TO THE LATE LORD VISCOUNT HOWE.

Legislative
Records of the
Council, xxii.,
495. Mass.
Archives, ciii.,
687.

House Jour-
nal, pp. 236, 238.

THE GREAT AND GENERAL COURT bearing Testimony to the Sense which the Province had of the Services & military Virtues of the late Lord Viscount Howe who fell in the last Campaign fighting in the Cause of the Colonies and also to express the affection which their officers & Soldiers bore to his Command

Ordered that the sum of Two hundred & fifty pounds sterling be paid out of the public Treasury to the order of the present Lord Viscount Howe, for erecting a Monument¹ to his Lordship's Memory to be Built in such manner & situated in such place as the present Lord Viscount Howe shall choose; and that his Excellency the Governor be desired to acquaint his Lordship therewith in such manner that the said Testimony may be engraved on such monument. [*Passed February 1.*]

CHAPTER 203.

RESOLVE GRANTING £200 TO WILLIAM BOLLAN, AGENT, FOR SERVICES.

Legislative
Records of the
Council, xxii.,
497.

House Jour-
nal, pp. 236, 243.
Ante, p. 138,
chap. 318;
p. 268, chap.
150.

Resolved That there be granted to William Bollan Esq^r One hundred and seven pounds seventeen shillings and one farthing Sterling which with the sum of Ninety two pounds two shillings and eleven pence three farthings a ballance in his hands for which he was to Account makes Two hundred pounds Sterling in full of his Services for one year ending in January last, and that he be allowed to deduct the said sum of One hundred and seven pounds seventeen shillings & one farthing Sterling out of the late parliamentary Grant to this province now in his hands. [*Passed February 2.*]

CHAPTER 204.

RESOLVE GRANTING £729. 6. 2 TO WILLIAM BOLLAN, AGENT, FOR BALANCE OF HIS ACCOUNT.

Legislative
Records of the
Council, xxii.,
497.

House Jour-
nal, pp. 243, 244.
Province
Laws, xv., 588,
chap. 144.
Supra, chap.
203.

Resolved That there be granted to William Bollan Esq^r the sum of Seven hundred and twenty nine pounds six shillings and two pence Sterling in full of his Account of Expences in the Service of this province exhibited to the first of October. 1757. and that he be allowed to deduct the said Sum out of the late Parliamentary Grant to this province, now in his hands. [*Passed February 2.*]

¹ The monument was erected in Westminster Abbey.

CHAPTER 205.

RESOLVE ALLOWING £8. 10. 8 TO ABRAHAM TYLER.

A PETITION of Abraham Tyler, setting forth That he was a Soldier in Col^o Preble's Regiment in the pay of this province the last year, and was at the Action at Ticonderoga in which he had his right Arm broke and is in danger of being rendered useless, That he was at Expence for Doctors and for his Journey home, And praying Relief.

Read and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner the sum of Eight pounds ten shillings and eight pence in Consideration of his Expences & Sufferings mentioned. [*Passed February 3.*]

Legislative
Records of the
Council, xxii.,
499. Mass.
Archives,
lxxviii., 160.

Mass.
Archives,
lxxviii., 159.
House Jour-
nal, pp. 243, 245.

CHAPTER 206.

RESOLVE ALLOWING 40/ TO EBENEZER BEARD AND 24/ TO NATHAN HOSKINS.

Resolved That there be allowed and paid out of the publick Treasury to Oliver Fletcher Esq^r for the Use of Ebenezer Beard Forty shillings; and to Capt. Ebenezer Sprout for the Use of Nathan Hoskins Twenty four shillings in full consideration of the Expences (in their petitions¹) mentioned. [*Passed February 6.*]

Legislative
Records of the
Council, xxii.,
501.

Mass.
Archives,
lxxviii., 17.
House Jour-
nal, pp. 325, 365
(March, 1758);
pp. 110, 247.

CHAPTER 207.

ORDER TRANSFERRING £2,500 FROM THE APPROPRIATION FOR BAYONETS, &c., TO THE APPROPRIATION FOR PAY OF FORCES RAISED FOR THE LATE ALARM.

Ordered That a Transferr of Two Thousand five hundred pounds be made from the Appropriation for the pay of Bayonets &c. to the Appropriation for the pay of the Forces raised upon the late Alarm &c. [*Passed February 6.*]

Legislative
Records of the
Council, xxii.,
501.

House Jour-
nal, p. 248.
Province
Laws, iv., 161,
chap. 4.

CHAPTER 208.

ORDER ALLOWING £37. 0. 2. TO ELIZABETH WEST, EXECUTRIX.

A PETITION of Robert Manter Attorney to Elizabeth West Widow and Executrix of Capt. Peter West deceased, setting forth That the said Captain in his Life time received of the Commissary General sundry Stores for Supplies for his Company which he delivered and charged accordingly as by his Books appears; That sundry Articles were delivered to Soldiers who afterwards deserted and are thereby

Legislative
Records of the
Council, xxii.,
502.

House Jour-
nal, pp. 207, 220,
249.

¹ See Mass. Archives, lxxviii., 17, and House Journal, p. 325 (March, 1758).

excluded from any pay, And praying that he may be enabled to receive so much of said Deserters pay as the said Captain actually supplied them with for Cloathing and other Necessaries while they continued in the Service.

Read and

Ordered That the sum of Thirty seven pounds and two pence be allowed and paid Out of the publick Treasury to John Norton Esq^r for the Use of the petitioner in full consideration of the Expences abovementioned. [*Passed February 7.*]

CHAPTER 209.

RESOLVE ALLOWING £20 TO JUDAH MONIS.

Resolved that there be granted and allowed to be paid out of the publick Treasury to M^r Judah Monis Hebrew Instructor of Harvard College in Cambridge the Sum of twenty pounds as a Gratuity in consideration of his Faithful Discharge of that Trust reposed in him and for his further Encouragment therein. [*Passed February 7.*]

CHAPTER 210.

ORDER IMPOWERING JOSEPH BELKNAP, GUARDIAN, TO JOIN WITH OTHER HEIRS IN THE DIVISION AND SETTLEMENT OF AN ESTATE.

Legislative
Records of the
Council, xxii.,
508. Mass.
Archives,
lviii., 432.

Mass.
Archives,
lviii., 433.
House Jour-
nal, p. 250.

A PETITION of Joseph Belknap Guardian of Joseph Webb Mary Webb and Susanna Webb Minors and Children of Deborah Webb deceased, setting forth That in the Division and Settlement of the Estate of Jeremiah Belknap late of Boston Leather dresser deceased and Sarah his Wife the sum of Eight pounds was set off to the said Minors and the other Children of said Deborah as their proportionable part of said Estate; And praying that he may be empowered in his said Capacity to join in said Division and Settlement, that so the Money accruing to said Minors thereon may be improved for their benefit.

Read and

Ordered that the Prayer of this Petition be granted and that the Petitioner in his said Capacity be and he hereby is authorized and empowered to join with the other Heirs in behalf of the Minors in the Division and Settlement of the Estate in the Petition mentioned he giving sufficient Caution to the Judge of the Probate for the County of Suffolk to account for the Monies accruing therefrom according to Law. [*Passed February 8.*¹]

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 3.

CHAPTER 211.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE CONDITION OF
THE WOMEN AND CHILDREN BROUGHT FROM PROVIDENCE.

A PETITION of Joshua Henshaw Esq^r and others Selectmen of the Town of Boston praying the direction of this Court with regard to twelve Women and Children belonging (as they say) to the Royal American Regiment, which were brought into said Town from providence the last night by one Benjamin Furbur by order (as they are informed) of the Governour of Rhode Island

Legislative
Records of the
Council, xxii.,
502, 503. Mass.
Archives,
lxxviii., 161.
Legislative
Records of the
Council, xxii.,
502. House
Journal,
pp. 250, 251.

The Committee yesterday appointed on the petition of the Selectmen of Boston made the following Report, Viz^t

That having inquired of the Women therein mentioned, and of the Waggoner who brought them, they find, that they belong to the Regiment of the Royal Americans now at Halifax, and that they came from New York in order to proceed to the said Regiment, and considering the Season of the Year, and they being destitute of any money to carry them back, the Committee are of Opinion that common humanity makes it necessary that care be taken of them, and they be sent to Halifax as soon as possible, And that M^r Furbur who brought them have leave to return home.

(Sign'd) SAM^L WATTS p order.

Read and

Ordered that this report be accepted. [*Passed February 8.*¹

CHAPTER 212.

ORDER GRANTING TO JOANNA SERVICE LICENCE TO SELL STRONG
DRINK.

A PETITION of Joanna Service of Boston Widow, praying that as She has obtained the Approbation of the Selectmen of Boston to retail Strong Liquors at her House in Ann Street, and as her Circumstances are really distressing, praying That the Court of General Sessions of the peace may be impowered at their Adjournment on Friday the 9th of February to grant her a Licence for that purpose.

Legislative
Records of the
Council, xxii.,
504. Mass.
Archives, cxx.,
246.
Mass.
Archives, cxx.,
245. House
Journal, p. 251.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Suffolk be and hereby are allowed to grant the Pet^r a Licence as prayed for, the time for granting Licences being elapsed notwithstanding. [*Passed February 8.*

CHAPTER 213.

ORDER OF NOTICE ON THE PETITION OF PROP^{rs} OF EAST WING OF
RUTLAND TO BE INCORPORATED AS A TOWN.

A PETITION of Benjamin Houghton and others proprietors and Inhabitants of sundry Farms contiguous to Rutland East Wing so

Legislative
Records of the
Council, xxli.,

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 7.

504. Mass. Archives, cxvii., 438.

Mass. Archives, cxvii., 437. Maps and Plans, Mis., xxxiv., 19. House Journal, pp. 137, 251. Province Laws, iv., 266, chap. 6; 342, note.

called, and also proprietors of said Wing, setting forth That the said Farms and East Wing together do not contain Six Miles Square; that they are capable of making a good Township united, but are not separately able to perform the duties required in such Case, And praying that they may be incorporated as a Town accordingly.

Read and

Ordered that the Pet^{rs} serve the Prop^{rs} and Inhabitants of the East Wing of Rutland (so called Non Petitioners) with a Copy of this Petⁿ by inserting the substance thereof in one of the Boston News papers three Weeks successively That so they shew cause (if any they have) on the second thirsd day of the next sitting of this Court why the Prayer thereof should not be granted. [*Passed February 8.*]

CHAPTER 214.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE GOVERNORS MESSAGE IN REGARD TO A FORT AT PENOBSCOT.

Legislative Records of the Council, xxii., 505.

Mass. Archives, lxxviii., 162–166. Legislative Records of the Council, xxii., 224, 493, 495, 501. House Journal, pp. 244, 245, 246, 249, 252, 253.

WHEREAS it is the Opinion of the two Houses That a Fort recommended by his Excellency to be built at Penobscot may have a tendency to secure the peace of this province, and that of Nova Scotia and distress the Enemy.

Voted That four hundred Men (including Officers) be raised by this Government to take the possession of that Countrey and to be employed as a Guard to his Excellency, and a cover to the Workmen; the said Men to be considered as part of the Quota that may be expected of the province for the General Service of the year ensuing.

And that when the proposed Fort shall be built his Excellency the Captain General be desired to remove to the said Fort as many of the Men as are in Garrison at St Georges and Pemaquid, as the defence of those parts of the Countrey will admit, and that such Addition be made to the Garrison at penobscot as the Court shall think necessary; And that his Excellency be desired as soon as may be after the War shall be ended to dismantle said Forts At Georges and Pemaquid.

The Report of the said Committee having on the sixth Instant been recommitted and divers Gentlemen added to the Committee The said Committee made the following further Report Viz^t

That the 400 Men agreed to be raised be allowed Six dollars p^r Month (they finding their own Arms) and that they be provided with Blankets, Beds and necessary Camp Utensils (those at the Barracks at Castle William by the Captain Generals leave to be employed for this Service) and Subsistence.

That his Excellency be desired to order them to be enlisted as soon as may be.

That the pay of the Officers and Soldiers shall commence on the last day of March next, and end on the first day of July next if his Excellency shall think it necessary to continue them or any part of them so long in the Service.

That when the Fort is in some measure Tenable so many of said Men may be dismissed the Service as the Governour shall judge proper.

That the Province Ship and Sloop be employed in this Service, and that the Governour would be pleased to give Order that they

be seasonably equipt for the same, and that the said Ship be ordered into the other Service of the province as soon as the above Service will admit of it.

That an Establishment be made for One Field Officer, and for each Company of One hundred men one Captain, two Lieutenants one Ensign, four Sergeants, four Corporals, and also for the whole one Chaplain and one Surgeon, and a Surgeons Mate and two Drummers.

That his Excellency be desired to take up Transports which with said Ship and Sloop may be sufficient to transport the officers and Soldiers with their Baggage &c. to Penobscot.

That said Fort when built be garrisoned with One hundred Men including Officers and such Soldiers as shall be removed from the other Garrisons, and that an Establishment be made for pay and Subsistence, and for the whole Service aforesaid.

(Signed) JOHN CUSHING *p* order.

Read and accepted. [*Passed February 8.*]

CHAPTER 215.

ORDER APPOINTING A COMMITTEE TO PROVIDE PASSAGE TO HALIFAX FOR THE WOMEN AND CHILDREN BROUGHT FROM PROVIDENCE.

In the House of Rep^a

Ordered That M^r Goldthwait and M^r Flucker with such as the hon^{ble} Board shall join be a Com^{tee} to prepare a Passage for the Women & Children lately arrived from Providence to Halifax as soon as may be

In Council Read & Concurred & Sam^l Watts Esq is joined in the affair. [*Passed February 9.*¹]

Legislative
Records of the
Council, xxii.,
504. Mass.
Archives,
lxxviii., 170.

House Jour-
nal, p. 255.
Ante, p. 295,
chap. 211.

CHAPTER 216.

ORDER ALLOWING £4 TO ABR^a JOHNSON.

A PETITION of Abraham Johnson of Derham in the province of New Hampshire, setting forth That in the year. 1755. he inlisted as a Soldier in the pay of this province, and was in the Action near Lake George under General Johnson, where he received a Wound by a Ball in the head, by which means he lay in a miserable Condition, and is not yet recovered nor does he ever expect to be well; And praying Relief.

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury four pounds in full consideration for his sufferings above-mentioned. [*Passed February 9.*]

Legislative
Records of the
Council, xxii.,
508. Mass.
Archives,
lxxviii., 169.

House Jour-
nal, p. 254.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 8.

CHAPTER 217.

ORDER ALLOWING 30/ TO JOHN CROOKS.

Legislative
Records of the
Council, xxii.,
508. Mass.
Archives,
lxxvii., 637.

Mass.
Archives,
lxxvii., 636.
House Jour-
nal, p. 255.

A PETITION of John Crooks setting forth That his Brother William Crooks was a Soldier in the pay of this province in the Crown point Expedition in 1755. and that on his return home he sickened and died; and that the petitioner paid for taking care of him in his Sickness Forty shillings; And praying Relief.

Read and

Ordered that the sum of Thirty Shillings be allowed M^r John French out of the publick Treasury for the Pet^rs use in full Consideration for the Expences within mentioned. [*Passed February 9.*]

CHAPTER 218.

VOTE DESIRING HIS EXCELLENCY TO USE HIS GOOD OFFICES IN GREAT BRITAIN IN REGARD TO REIMBURSEMENT OF PROVINCE FOR EXPENSES.

Legislative
Records of the
Council, xxii.,
508.

House Jour-
nal, p. 255.
Province
Laws, iv., 77,
chap. 30.

Voted That his Excellency the Governour be desired to continue to use his good Offices in Great Britain; that this province may be reimbursed the Charge they have incurred in the last Year's Campaign.

And that upon the Grant of the Money the same be remitted in some of his Majesty's Ships of War consigned to the Treasurer of the province, and that it be insured. [*Passed February 9.*]

CHAPTER 219.

ORDER ON THE PETITION OF ELIZ^A GAY, ADMX., IN REGARD TO THE DIVISION OF AN ESTATE.

Legislative
Records of the
Council, xxii.,
508.

House Jour-
nal, pp. 255, 256.

A PETITION of Elizabeth Gay Widow and Administratrix of the Estate of her late Husband Hezekiah Gay of Dedham deceased, And William Gay second Son of said deceased, setting forth, That the said Hezekiah had by deed in his Lifetime conveyed to the petitioner William One Moiety of his Real Estate in Dedham in full of the said William's Share in his whole Estate, And praying that the Judge of probate may be enabled to authorize the same persons he shall appoint to set off the petitioner Elizabeth's Dower and to divide the remainder of the Estate; at the same time to set off the petitioner William's Moiety to him.

Read and

Ordered That the prayer of the petition be granted, and that the Judge of probate for the County of Suffolk be authorized to appoint meet and proper persons to divide and set off to the said Elizabeth her Dower and Thirds in her said late Husband's Real Estate, and at the same time to set off to the said William One Moiety or half part of the said deceaseds Real Estate conveyed to him by deed from his said Father and also to divide the remainder among the other Children of the said deceased or their legal Representatives. [*Passed February 9.*]

CHAPTER 220.

ORDER FOR REPRINTING THE PERPETUAL LAWS OF THE PROVINCE.

In the House of Representatives;

Ordered that there be a New Impression of the perpetual Laws of this province, and that M^r Samuel Kneeland be employed for this purpose, He engaging to print and deliver to the Government or their Order on or before the 1st of August next, Three hundred Books well bound at twelve shillings each; And that each of the Members of the present General Court and every Town and District in this province be supplied with One Book; That a proper person be employed to prepare an Index of the Heads of the Laws, and that M^r Prat, M^r Goldthwait and M^r Flucker be a Committee to effect the purposes abovementioned.

In Council; Read and Concurred, and

Ordered that Samuel Danforth and Stephen Sewall Esq^{rs} be of the Committee. [*Passed February 10.*]

Legislative
Records of the
Council, xxii.,
509.

Mass.
Archives,
xlvi., 462-464.
House Jour-
nal, p. 249.

CHAPTER 221.

ORDER ALLOWING £13.3.8 TO JOHN PITMAN.

A PETITION of John Pitman of Ipswich, setting forth, That on the 7th March. 1757. He enlisted in the pay of this province under Capt. Bailey and went to Fort Edward and there continued in the Service until the death of Capt. Bailey, after which he was turned over to Capt. Cane and still continued in the Service until the 30th of October following; but that he is not made up in any Muster Roll; And praying an Allowance for his said Service and until his Return home.

Read and

Ordered that the sum of thirteen pounds three Shillings and eight pence be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Services within mentioned. [*Passed February 12.*]

Legislative
Records of the
Council, xxii.,
510. Mass.
Archives,
lxxviii., 69.

Mass.
Archives,
lxxviii., 69.
House Jour-
nal, pp. 129, 205,
249.

CHAPTER 222.

VOTE REFERRING ALL UNFINISHED MATTERS.

Voted That all Matters now before the Court and not acted upon have the same day at the next Sitting of this Court. [*Passed February 12.*]

Legislative
Records of the
Council, xxii.,
510.

House Jour-
nal, p. 255.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-EIGHTH DAY OF FEBRUARY, A.D.
1759.

CHAPTER 223.

ORDER CONFIRMING AN ASSESSMENT AND THE WARRANT FOR COLLECTING THE SAME IN THE TOWN OF HULL.

Legislative
Records of the
Council, xxii.,
444, 499.

Legislative
Records of the
Council, xxii.,
513. House
Journal,
pp. 159, 172, 243,
246. Province
Laws, iii., 644,
chap. 15.

A PETITION of John Goold and others Selectmen of the Town of Hull, setting forth that it hath always been the practice in said Town (which is likewise the practice in many other Towns) to join in One Tax both the County and Town Tax, and to commit the same with a Warrant to the Collector to levy and collect, but they have never understood the Law to require that said Warrant should be Sealed. That this Method was observed in the year. 1754. and that M^r Ephraim Bosworth of said Hull pretending to be included in the exemption of Annabaptists brought his Action against the Collector of that Year for a Distress by him taken, which Action is yet pending. That the said Ephraim distrusting his Exemption aforesaid is desirous of availing himself of these supposed Defects in making the Assessment, in which if he should prevail the Town would be thrown into Confusion and burthened with endless Law Suits. Therefore praying that this Court would take such Order in the Case as may cure all defects of Form in the said Warrant and Assessment.

Read, and in answer to this petition

Ordered That the prayer thereof be so far granted as that the Assessment made in the year. 1754. as mentioned in said petition, and the Warrant for Collecting the same be and hereby are declared valid to all intents and purposes whatsoever the joining the Town and County Tax together, and the Warrant being without Seal notwithstanding. [*Passed March 1.*]

CHAPTER 224.

ORDER IMPOWERING ABR^A HOW, JUN^R, GUARDIAN, TO SELL A MINOR'S RIGHT IN AN ESTATE.

Legislative
Records of the
Council, xxii.,
514.

House Journal, pp. 129, 174,
175, 257, 263.

A PETITION of Abraham How jun^r of Ipswich Guardian to Samuel Perley a Minor of about Sixteen years of Age, setting forth That his Share in his Father's Estate exclusive of what was assigned to the Widow as her Dower, is of the Value of about Eighty pounds, That the said Minor is so intent upon his Studies, and so desirous of an

Education at College, that he cannot fix his mind to any business, That the Income of his said Estate is by no means sufficient to defrey the expence of such an Education, And praying liberty to Sell the said Minors Share as aforesaid, and to employ the produce in defreying said Expence.

Read and

Ordered That the prayer of this petition be granted, and that the said Abraham How as Guardian to Samuel Perley a Minor be and he hereby is impowered to make Sale of said Minors Share in the two thirds of his Fathers Estate mentioned, and to give and pass a good and lawful deed or deeds thereof in the Law; the Money arising by such Sale to be applied (so far as shall be necessary) for defreying the charges of obtaining a liberal Education for said Minor, the petitioner giving bond with sufficient Security to the Judge of probate of Wills &c. in the County of Essex to be accountable for the proceeds of the Sale of the premisses. [*Passed March 2.*¹

CHAPTER 225.

ORDER EXCUSING DIVERS PERSONS FROM PAYING FINES FOR SELLING LIQUOR WITHOUT A LICENCE.

A PETITION of Gad Lyman of Northampton in the County of Hampshire, Collector of the Duties of Excise on Spirituous Liquors in said County, setting forth, That divers persons within his district had sold Rum to the Soldiers on their Marches through the Woods beyond Northampton, since his being in the Office; and that the Commissary of Fort Massachusetts continually supplies the Soldiers at West Hoosuck with Rum by Retail; And praying the direction of the Court.

Read and

Ordered That the persons referred to in the petition be excused from paying any Fine for selling Liquors within the time and in such manner as is set forth, without Licence; provided they Account with the within named Collector upon Oath, and pay him the duty that Licenced persons are by Law held to pay; And that all such as had Warrants As Sutlers shall be excused from accounting or paying as aforesaid. [*Passed March 2.*²

Legislative
Records of the
Council, xxii.,
514.

Mass.
Archives, cxx.,
258. House
Journal,
pp. 260, 262.

CHAPTER 226.

ORDER ON THE MEMORIAL OF ROBERT BALLS IN REGARD TO THE LIGHT HOUSE WHARF.

A MEMORIAL of Robert Balls Keeper of the Lighthouse setting forth That the North Wharf at the said Light house is gone greatly to decay, the Foundation being so defective, that the Stones fall off into the Sea, by which means the Wharf is settled over to the South Wharf in such manner as to render it difficult of Access, and to

Legislative
Records of the
Council, xxii.,
515.

House Jour-
nal, p. 263.
Province

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is March 1.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 1.

Laws, xiv., 543, chap. 13. endanger the said South Wharf; And praying that the Court would take such Order in the premisses as they shall judge meet

Read and

Ordered That the Committee appointed to take care of the Repairs of the Lighthouse be directed to take under Consideration the State of the Wharves mentioned, make an estimate of the charges of building or repairing them, and report thereon. [*Passed March 2.*]

CHAPTER 227.

ORDER IMPOWERING SARAH CLAP, ADM^x, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
518.

House Jour-
nal, pp. 261, 266.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Sarah Clap Widow and Administratrix of the Estate of Preserved Clap late of Hadley deceased Intestate Setting forth That the said deceased Debts exceed the Amount of his personal Estate the sum of Sixty eight pounds; That the deceased among other Real Estate died siezed of a peice of Land containing One hundred Acres lying in East Hadley, in the third or East-ermost division of Lands therein, bounded Easterly upon Pelham line, Northerly on land belonging to Jonathan Edwards, westerly on a Highway or Land sequestred for an Highway by the Town of Hadley, and Southerly on a Farm owned by, and lived now upon, by Thomas Hastings; And praying that She may be impowered to Sell the same; She to be Accountable.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in her said Capacity be and hereby is authorized and impowered to make Sale of the Land within mentioned for the most the same will fetch, and to make and execute a good deed or deeds of the same to the purchaser his heirs and assigns, She observing the directions of the Law relating to the Sale of Real Estates by Executors or Administrators and giving sufficient caution to the Judge of probate for the County of Hampshire, that the produce arising by said Sale shall be applied for the payment of the just debts of the deceased, and the Overplus (if any there be) to be distributed according to Law. [*Passed March 3.*]

CHAPTER 228.

ORDER GRANTING TO ANN STONE LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
521. Mass.
Archives, cxi.,
440.

House Jour-
nal, p. 269.

A PETITION of Ann Stone of Hopkinton in the County of Middlesex setting forth that her late Husband Abijah Stone for many years past has kept an House of publick Entertainment where She now dwells in Hopkinton aforesaid, and that in September last he renewed his Licence, and is since that time deceased, And praying that the Justices of the Court of General Sessions of the peace for the County of Middlesex may be impowered at their next Sessions to grant her a Licence for the same purpose.

Read and

Ord^d that the Justices of the Gen^l Sessions of the Peace for the

County of Middlesex be impowered and allowed (if they see cause) to grant the Pet^r a Licence (She first obtaining the approbation of the Select men of Hopkinton for that purpose) the time for granting Licences being elapsed notwithstanding. [*Passed March 7.*]

CHAPTER 229.

VOTE FOR PROVIDING HOSPITALS AND HOSPITAL STORES FOR THE FORCES.

Voted That Hospitals and Hospital Stores be provided for the use of the Forces that shall be raised in the pay of this province the ensuing year under the Command of his Majesty's General. [*Passed March 8.*]

Legislative
Records of the
Council, xxii.,
522.

Legislative
Records of the
Council, xxii.,
515, 517, 518, 519.
House Jour-
nal, p. 270.

CHAPTER 230.

VOTE APPOINTING A COMMITTEE FOR PROVID^e MEDICINES FOR THE ARMY.

In the House of Representatives,

Voted That Doct^r Thomas M^r Witt and Capt. Livermore with such as the honourable Board shall appoint be a Committee to consider and report what medicines may be necessary for the Army that shall be raised for this years Service, and that a Box be provided for each Regiment accordingly.

In Council; Read and Concurred and Joseph Pynchon and William Brattle Esq^{rs} are joined in the Affair. [*Passed March 8.*]

Legislative
Records of the
Council, xxii.,
522.

House Jour-
nal, p. 270.
Supra, chap.
229.

CHAPTER 231.

VOTE THAT THE COMMISSARY GENERAL SUPPLY NECESSARIES FOR THE FORCES.

Voted That the Commissary General be supplied with One hundred pounds for every thousand Men that shall be raised under the Command of his Majesty's General, in order to supply with such Necessaries as may be wanted to be transported to Albany for the comfortable Subsistence of those that may be Sick and Wounded, agreeable to such advices as he shall receive from a Committee hereafter to be appointed by this Court. [*Passed March 8.*]

Legislative
Records of the
Council, xxii.,
523.

House Jour-
nal, pp. 270, 271,
309. *Post*,
p. 333, chap.
294.

CHAPTER 232.

ORDER GRANTING TO JAMES BARRETT LICENCE TO KEEP AN INN.

A PETITION of William Bryant of Reading in the County of Middlesex Innholder in behalf of James Barrett of Malden, setting forth, That the said James has purchased of him the petitioner his House in Reading which has for many years past been a House of publick

Legislative
Records of the
Council, xxii.,
520. *Mass.*
Archives, cxl.,
422.

Mass.
Archives, cxli.,
421. House
Journal,
pp. 156, 176.

Entertainment, being very convenient for that purpose; And praying that the next Court of General Sessions of the peace to be holden at Charlestown in the County of Middlesex may be impowered to grant the said James a Licence to keep a Tavern in said House Which petition having been passed on by the House of Representatives on the 19 January last, but not Acted on by the Board.

Read and

Ordered that this Petition be Revived; And that the prayer of the Petⁿ be so far granted that the Court of General Sessions of the Peace for the County of Middlesex be and they hereby are impowered at the Next Term to grant Licence (if they see Cause) to the said James Barratt to keep an House of publick Entertainment in the Town of Reading he producing an Approbation of the Select men of said Town the Time for granting Licences Notwithstanding. [*Passed March 9.*¹

CHAPTER 233.

ORDER IMPOWERING THOMAS HASKELL, GUARDIAN, TO SELL LAND.

Legislative
Records of the
Council, xxii.,
524.

House Jour-
nal, pp. 271, 272.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Thomas Haskell Guardian to four Minor Children of Dudley Jordan late of Hardwick deceased, setting forth That the whole Estate of said deceased consists of about One hundred Acres of Land of the Value of about One hundred and thirty pounds which rents for Four pounds *per* Annum, that the Eldest Son now about Sixteen years of Age will not be able to buy out the other Heirs and keep the Estate himself, and that to divide it would render it but of little Value, And praying that he may be impowered to Sell the whole, he to be Accountable.

Read and

Ordered That the prayer of this Petition be granted, and that the petitioner Thomas Haskell in his Capacity as Guardian aforesaid be and hereby is impowered to make Sale of the premisses for the most the same will fetch, and execute a good and sufficient deed or deeds of the same he observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester to Account for the Money arising by said Sale according to Law. [*Passed March 9.*

CHAPTER 234.

ORDER IMPOWERING JOHN BROWN, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
525.

House Jour-
nal, pp. 261 *bis*,
262. Province
Laws, ii., 151,
chap. 10.

A PETITION of John Brown of Newbury in the County of Essex Administrator on the Estate of William Salmon late of Newbury deceased setting forth That the said deceaseds debts amount to Forty six pounds nineteen shillings, and that there is no personal Estate wherewith to discharge the same, that the whole of his Real Estate consists of a small House Lot containing about eight Rods of Land adjoining Merrimack River in Newbury aforesaid with a small dwell-

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 7.

ing house and Shop thereon apprized at Sixty five pounds; That by the Violence of the River the Shop is overturned and the house in danger; and as the said William has left no Heirs in New England to take care of said Estate; praying he may be impowered to sell the same he to be Accountable.

Read and

Ordered That the prayer of this petition be so far granted as that the petitioner in his said Capacity be and hereby is authorized and impowered to make Sale of the House and Land within mentioned for the most the same will fetch, and to make and execute a good deed or deeds of the same; He observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, & giving sufficient caution to the Judge of Probate for the County of Essex that the produce arising by said Sale be applied for the payment of the just debts of the deceased and the Overplus if any there be to be secured for the right Heirs of the deceased.

[*Passed March 9.*]

CHAPTER 235.

ORDER ADJOURNING THE COURTS OF BRISTOL COUNTY.

WHEREAS divers of the Justices of the General Sessions of the peace, and of the Inferiour Court of Common pleas which by Law are to be holden at Taunton in and for the County of Bristol on the second Tuesday of March instant are Members of this Court, and the important Affairs of this province now Depending may require their Attendance thereupon at the said time

Legislative
Records of the
Council, xxii.,
525.

Province
Laws, iii., 64,
chap. 32; 313,
chap. 15.

Ordered that the Courts aforesaid that were by Law to be held at Taunton in and for the County of Bristol be and hereby are adjourned to the second Tuesday of June next, to be holden at said Taunton for the County of Bristol at ten o'clock in the forenoon of said day, And all pleas, Writs, Action, Suits, plaints, processes precepts, Recognizances and other Matter or Matters whatsoever returnable or having day at said Courts in said County shall stand abide and continue unto the Adjournments of said Courts as aforesaid and be held, deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Courts had been held and kept on the day's by Law for holding the same, and no Adjournment of the same had been made.¹ [*Passed March 9.*]

CHAPTER 236.

ORDER ALLOWING £8 TO JOHN WRIFORD.

A PETITION of John Wriford of Weymouth, setting forth That he was a Soldier in Col^o Fry's Regiment in the pay of this province in the year. 1756. That on the 2^d August the same year being on Scouting party he was taken Captive by the Indians, and remained fifteen months in their hands suffering great hardships 'till he was at length redeemed by Col^o Schuyler; that when he was taken he

Legislative
Records of the
Council, xxii.,
527. Mass.
Archives,
lxxviii., 272.

Mass.
Archives,
lxxviii., 270.

¹ Not found in the House Journal.

House Journal, pp. 237, 273.

received a Shot through his Leg, so that he has not had the full use of it since, And praying Relief.

Read and

Ordered that the sum of Eight pounds be allowed and paid out of the publick Treasury to M^r Umphreys for the Use of the Pet^r in full consideration of his Sufferings wthin mentioned. [*Passed March 10.*]

CHAPTER 237.

ORDER ALLOWING £11. 14 TO THO^s OLDHAM.

Legislative Records of the Council, xxii., 527. Mass. Archives, lxxviii., 222.

House Journal, pp. 262, 263, 272. *Ante*, p. 166, chap. 385.

A PETITION of Thomas Oldham of Marshfield, setting forth That he was last year in the Service at the Westward in Capt. Benj^a Pratts Company, but was omitted in the Muster Roll so that he has not received his pay, nor has he received his billeting Money or Blanket agreeable to the province of the Government And praying Relief.

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury (upon his producing a Certificate that He has return'd his Gun &c) the sum of eleven pounds fourteen shillings in full consideration for his Wages six months and an half. [*Passed March 10.*]

CHAPTER 238.

ORDER IMPOWERING JOSEPH BRADFORD, ADM^s, TO JOIN WITH OTHER HEIRS IN A SALE OF REAL ESTATE.

Legislative Records of the Council, xxii., 527.

House Journal, p. 279. Province Laws, ii., 151, chap. 10.

A PETITION of William Waters, James Wimble, William Wimble Thomas Wimble, Seward Waters, Nehemiah Porter and Sarah his Wife, Rebecca Waters, and William and Ebenezer Waters Minors, by their Guardian the said Nehemiah Porter, Benjamin Walcot, John Butler and Rebecca his Wife, and Hopestill Foster as Guardian to Abigail, Ann and Zibiah Foster Minors setting forth That William Waters late of Boston Weaver deceased died siezed of an house and land in Boston, abutting Easterly in front upon Middle Street, Southerly by Land of Mess^{rs} Lee and Allen, Westerly by Land of Ebenezer Bridge and Northeasterly by Land of Doct^r Perkins which descended to his Heirs abovenamed, That said House wants great Repairs, and as it can not be divided among the several Heirs; praying that Joseph Bradford of said Boston, Administrator of the Estate of said William Waters may be impowered to Sell the said Estate, and in behalf of the Minors to execute a deed of the same, in conjunction with the other Heirs He to be accountable.

Read and

Ordered That the prayer of this petition be granted, and that Joseph Bradford Administrator of the Estate of William Waters late of Boston Weaver deceased, be and he hereby is impowered in behalf of those of the Heirs of the said William who are Minors, to join with the other Heirs in the Sale of the House and Land mentioned, and together with them to execute a good and sufficient deed or deeds of the same, the said Joseph giving sufficient caution

to the Judge of probate for the County of Suffolk to account for the Minors several Shares of the nett proceeds of said Sale according to Law. [*Passed March 12.*¹

CHAPTER 239.

ORDER IMPOWERING JOANNA BUTTERFIELD, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joanna Butterfield Widow and Administratrix of the Estate of Robert Butterfield late of Westford in the County of Middlesex deceased Intestate, Setting forth that the deceaseds Real Estate was apprized at One hundred pounds that his debts exceed his personal Estate Seventy six pounds; so that they cannot be discharged unless some part of what She is intitled to as her Dower be sold for that purpose; And praying She may be empowered to Sell the whole; that the Annual Interest of one third part of the produce be allowed her in lieu of her Dower and the remaining two thirds be forthwith applied (as far as shall be necessary) for discharging the deceaseds just debts, and the Support of his two young Children both weakly and infirm, She to be accountable according to Law.

Read and

Ordered That the prayer of this Petition be granted, and that the petitioner in her said Capacity be and She is hereby empowered to make Sale of the whole of the Real Estate, mentioned for the most that may be, giving publick Notice previous to the Sale, in time and manner as the Law relating to the Sale of Real Estates by Executors and Administrators doth direct; She to have the use or interest of one third part of the proceeds of such Sale during her Natural Life, and to give due caution to the Judge of probate for Middlesex, that the principal Sum or third part aforesaid, together with what shall remain of the other two thirds, after the payment of the deceaseds just debts, be secured for the Heirs at Law of the said deceased, and to account with said Judge for her proceedings, when thereunto lawfully required. [*Passed March 12.*

Legislative
Records of the
Council, xxii.,
521.

House Jour-
nal, p. 280.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 240.

RESOLVES ADOPTING REPORT OF COMMITTEE ON THE GOVERNOR'S MESSAGE IN REGARD TO THE CONQUEST OF CANADA.

THE COMMITTEE appointed upon his Excellency's Speech to both Houses of the 2^d Instant, having made Report the following Resolutions in consequence thereof passed the whole Court, Viz^t

In the House of Representatives.

In order to a deliberate and mature determination upon the important matters recommended by his Excellency in his Speech of the 2^d in^t the House find it necessary to take into Consideration the distresses brought upon the Inhabitants of the Province by means of the great Levies which have been made from year to year since

Legislative
Records of the
Council, xxii.,
531. Mass.
Archives,
lxxviii., 295.

Mass.
Archives,
lxxviii., 282-
294. Legisla-
tive Records of
the Council,
xxii., 515, 517.
House Jour.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is March 10.

nal, pp. 266, 273,
274, 275. Prov-
ince Laws, iv.,
233, note.
Ante, p. 296,
chap. 214.

the War, and particularly by means of the disproportion'd number of Men that were in the Service the last year: The House likewise consider that many of the Inhabitants have Inlisted this present Year as Rangers & Batteauxmen, and in other branches of His Majesty's Service; that the Government is now burden'd with a very heavy load of Debt, and the Charges arising from the services of the last year are unpaid, and that it will be extremely difficult to procure such a sum of money as will be necessary to be immediately advanc'd in case of engaging in any further service. On the other hand, the House consider the importance and necessity of continuing to aid & assist in such measures as His Majesty shall be pleased to engage in for the defence and preservation of his Colonies and they likewise consider the gracious assurances of such compensation being made as shall render the Burden proceeding from such services supportable, and upon the whole It is

Resolv'd that 5,000 Men Officers included be immediately rais'd for His Majestys general service viz' four hundred of them to guard the Workmen employed in building a Fort at Penobscot, for which provision is already made, the remaining 4,600 to be formed into Regiments & to be under Officers from among the Inhabitants of this Province (excepting only such and so many of them as may enter on board any of His Majesty's Ships of War upon the terms hereafter mentioned) and to be employed in the intended Expedition against Canada, each Regiment to consist of a Number not less than 900 Men Officers included, and to be proportion'd upon the several Regiments, Troops of horse, Independant Companies Batteries of Boston Charlestown Marblehead and Gloucester, according to their numbers, and that in case a sufficient Number of Men shall not Inlist upon the terms hereafter mentioned on or before the Sixth day of April next, then so many shall be impress'd as to make up 4,600 which with the 400 aforesaid compleats the number of 5,000, and that every Person who has been in the service in former Years shall be equally liable to such impress with those who have never been in the service.

Resolv'd that to every non Commission Officer & private Soldier of the said 4,600 Men who shall inlist into the said service on or before 4 o'Clock in the Afternoon of the said sixth day of April next, and shall pass Muster there be allowed and paid in a Treasurers Note a bounty of six pounds and wages from the time of their inlistment, and as a further encouragement It is

Resolv'd that to every non commission officer and private Soldier who has been in the service or pay of this Province in the years 1755, 1756, 1757 or 1758 and shall inlist into the said intended Service on or before the 2^d day of April next there be allowed instead of bounty full wages from the 20th day of November last, & four Months & a half Wages be advanc'd to each amounting to the Sum of eight pounds two shillings, & to be paid them in a Treasurer's note at the time they pass muster, and that all said notes be upon Interest & payable the 2^d day of June 1760. AND IT IS FURTHER

Resolv'd that wages be allow'd to each private Soldier employed as aforesaid in the Land service at the rate of six dollars ~~per~~ month untill they are discharged said Service, and that there be given a good Blankett to each non commission Officer and private Soldier in the Land service.

Resolv'd that as many of said Men as his Excellency the Governour shall think proper and as are willing to enter into the Sea

Service upon such terms as his Excellency shall settle with the Admiral or Commander in Chief of His Majesty's Ships of War be employed in such service, and that additional wages be allowed over and above the ordinary pay in His Majesty's Ships so as to make their wages equal with the wages of those in the Land service.

That in case it shall be found necessary to cause any men to be impress'd in order to compleat the 4,600 men as aforesaid, so many of such men as his Excellency the Governour shall think proper shall be at liberty to enter into the Sea service but none shall be compell'd to it. that the whole number of the said 4,600 Men be continued in the Service for a time not exceeding the first of novem^r next, and to be dismiss'd as much sooner as His Majesty's Service will admit,

And WHEREAS it will be necessary that the Forces should be allowed Billetting from the time of their enlisting untill their receiving the King's Provision, but the present State of the Treasury will not admit of advanceing the same, and it is likewise necessary that they shou'd be supplied with Provisions or allow'd Billetting from the time of their discharge untill their arrival at their several places of abode.

Resolv'd that application be made to the General & Commander in Chief of His Majesty's Forces that Billetting may be allow'd and promised to each man from the time of his Enlistment untill he receives the King's Provisions at the rate of six pence sterling p^r day, and that each Man shall either be furnished with Provisions for his Subsistence from the place where he shall be dismissed untill he arrives at his place of abode, or that he be allowed six pence sterling per day accounting every fifteen miles distance for one day, and that the officers be allowed Rations according to their Rank as has been usually given to the officers of His Majesty's Regular Forces, which proportion the Officers of the last year entered into the Service with full expectation of receiving, but this Court are informed it has not yet been allow'd them.

AND WHEREAS His Majesty has been pleas'd to declare by his Secretaries of State in the years 1756 & 1757. that all which he expected from this Government was the Levying Cloathing & paying of the men, and whereas monies have been advanc'd by this Government for other necessary Charges in expectation of a reimbursement^t from the commanders in chief, but the accounts of such Charges have been refused to be allowed and such Reimbursement has been withheld, and whereas His Majesty has been pleased to repeat in the most explicit terms the same declaration in a Letter from the R^t Hon^{ble} M^r Pitt of the 9th December last.

Resolv'd that his Excellency General Amherst be acquainted that this Government cannot advance any further Sum than what shall be necessary for those particular Services and depend on provision being otherwise made for every other expence or article of Charge that shall be determined to be necessary.

AND WHEREAS the obliging the Forces to receive Rice instead of Pease, has not only been dissatisfactory to the Provincials who have not been used to that Species of Provisions, but has also been as is apprehended prejudicial to their Health.

Resolv'd that the Commander in chief of His Majesty's Forces be acquainted, that it is the desire of this Governm^t y^t a sufficient quantity of Peas may be provided for the Service of the present Year. [*Passed March 13.*

CHAPTER 241.

ORDER GRANTING TO PHEBE PROCTOR LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxii.,
534. Mass.
Archives, cxx.,
261.

Mass.
Archives, cxx.,
260. House
Journal, p. 283.

A PETITION of Phebe Procter Widow of Phillip Procter late of Westford in the County of Middlesex deceased, Setting forth That her said Husband having been licenced to retail Spirituous Liquors had before his decease provided a quantity of such Liquors which remain in a perishing Condition, And praying that the Court of General Sessions of the peace for the County aforesaid may be impowered to grant her a Licence for the same purpose.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Middlesex be allowed and impowered (if they see cause) to grant the Pet^r a Licence she first obtaining the approbation of the select men of Westford for that purpose the time for granting Licences being elapsed notwithstanding. [*Passed March 13.*]

CHAPTER 242.

ORDER IMPOWERING TIM^O DWIGHT, JUN^R, & TIM^O EDWARDS, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
534.

House Jour-
nal, pp. 276, 277,
282.

A PETITION of Timothy Dwight jun^r of Northampton and Timothy Edwards of Stockbridge both in the County of Hampshire Executors of the last Will of M^{rs} Sarah Edwards Widow of the late Rev^d M^r Jonathan Edwards of Nassau Hall deceased, Setting forth, That the said Jonathan had appointed said Sarah sole Executrix of his last Will and Testament, wherein having bequeathed certain specifick Legacies to his Children, he devised to his said Executrix his whole Estate Real and personal to enable her to discharge the same; but that She dying soon after her said Husband, had only caused the said Will to be proved; without having discharged any of the said Legacies, and as they cannot be discharged without selling a considerable part of the Real Estate, which they are not impowered by the Will of said Sarah to do; praying that they may be enabled to dispose of all or so much of the said Jonathans Real Estate as may be sufficient to pay and discharge the several Legacies by his said Will given to his Children And further praying that they may be enabled to join with M^{rs} Rebecca Hawley of Northampton in making partition of some Lands in the Town of Pelham belonging to her, and to the Estate of the said Jonathan.

Read and

Ordered That The petitioners be and they hereby are allowed and impowered to make Sale of all the Real Estate that M^{rs} Sarah Edwards late of Stockbridge deceased was impowered by the last Will of her late Husband the Rev^d Jonathan Edwards to make Sale of, and to make and execute a good deed or deeds of the same to pay the Legacies herein mentioned, giving sufficient Security into the probate Office for said County that the Money arising by said Sale shall be disposed of for the payment of said Legacies, and if any remains to be disposed of according to Law, Also

Voted That the said Dwight and Edwards be and they hereby are fully impowered to make full and ample partition in behalf of the Heirs of M^{rs} Edwards beforementioned of the Lands lying in common with M^{rs} Rebecca Hawley, and to make all such Conveyances as may be thought Necessary to perfect and compleat the same. [*Passed March 13.*]

CHAPTER 243.

ORDER ALLOWING £2. 13. 4 TO JOSHUA SIMONDS.

A PETITION of Joshua Simonds Setting forth That he inlisted in the pay of this Government in the Expedition intended against Crown point in the years, 1755 and 1756. and was in pursuance of an Order of Court thereby intituled to half pay during the intermediate Space, but was not made up in the Roll so as to intitle him to receive the same; And praying Relief.

Read and in answer to this Pet^a

Ordered that the sum of two pounds thirteen Shillings and four pence be allowed and paid out of the publick Treasury to Israel Williams Esq^r for the Use of the Pet^r. [*Passed March 14.*]

Legislative
Records of the
Council, xxii.,
538. Mass.
Archives,
lxxviii., 5.

Mass.
Archives,
lxxviii., 4.
House Jour-
nal, pp. 267, 282.
Province
Laws, xv., 452,
chap. 310.

CHAPTER 244.

ORDER IMPOWERING DANIEL CURRIER TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Dorothy Colby, Widow of Samuel Colby late of Almsbury deceased, setting forth That She is now Eighty seven years of Age, and has nothing to Support her but the Income of about four Acres of Land which was set off to her as her Dower. That the Children have sold their parts of the Estate and some removed elsewhere and others so reduced as to be unable to support her; And praying She may be impowered to Sell the said four Acres of Land for her Relief and Support.

Read and

Ordered That the prayer of this petition be granted, and that Daniel Currier of Almsbury be and hereby is impowered to make Sale of the Land within mentioned for the most the same will fetch, and to execute a good deed or deeds of the same; Notifications by him being first posted in some publick places in said Town fifteen days before the time of Sale; He giving sufficient caution to the Judge of probate for the County of Essex that upon receiving the produce thereof, he shall convert so much of the same for her Support as her Necessity shall require, and to be accountable to the said Judge for the Remainder. [*Passed March 14.*]

Legislative
Records of the
Council, xxii.,
538.

House Jour-
nal, pp. 273, 277.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 245.

VOTE ALLOWING SUNDRY SUPPLIES TO SOLDIERS IN THE SERVICE.

Legislative
Records of the
Council, xxii.,
539. Mass.
Archives,
lxxviii., 315.

House Jour-
nal, p. 287.
Ante, p. 307,
chap. 240.

Voted as an Encouragment to the Soldiers who proceed in this Year's Campaign.

That to each Mess of Six men there be given two tin keetles each containing ten quarts.

One Flesh brush to each Mess.

One Wooden Bottle made with one hoop (if to be procured) for each man or a Canteen and one hatchet for each mess and thirty Watch Coats for each Regiment. [*Passed March 14.*]

CHAPTER 246.

ORDER OF NOTICE ON THE PETITION OF SAM^L READ TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxii.,
537.

House Jour-
nal, pp. 145, 146,
156, 289.

A PETITION of Samuel Read of Lunenburgh in the County of Worcester Gentⁿ Setting forth, That in the Month of December 1757. one Joseph Eaton of Lynn brought an Action of defamation to the Inferiour Court of Common pleas for the County of Essex, and by advice of his Council he justified the uttering of the Words charged against him, and consented to give in to the plant,¹ a bill of the particulars he designed to prove six weeks before the next Sitting of the Court, and the Cause being continued for that purpose, the bill was given in accordingly, and the Jury having heard the Case gave the plaintiff only twenty shillings damage, and so by Law he could have only twenty shillings Costs; From this Judgment the said Joseph Appealed to the Superiour Court held in Ipswich in June last where the Appellant had a Verdict against the petitioner for Five pounds damages and Costs, The petitioner apprehending that by the Letter of the province Law he is excluded the privilege of a Review, although his case is not within the intention of the Law, and as two or three material Witnesses of his were absent in the Campaign when the Tryal came on, He prays that he may be enabled to review the said Judgment of the said Superiour Court at the next Superiour Court to be held in the County of Essex.

Read and

Ordered That the petitioner serve the Adverse party with an Attested Copy of this petition that he shew cause (if any he have) on the first Friday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed March 15.*]

¹ *Sic.*

² This date is according to the House Journal; according to Legislative Records of the Council the date is March 14.

CHAPTER 247.

ORDER DIRECTING THE COMMISSARY GENERAL TO PROVIDE KNAPSACKS FOR NON COMMISSIONED OFFICERS AND SOLDIERS.

Ordered that the Commissary General be directed to Cause to be provided for every Non commission Officer and Soldier in this Year's Campaign One Knapsack. [*Passed March 15.*]

Legislative
Records of the
Council, xxii.,
541. Mass.
Archives,
lxxviii., 318.

House Jour-
nal, p. 289.
Ante, p. 312,
chap. 245.

CHAPTER 248.

VOTE IMPOWERING THE MASHPEE INDIANS TO EXECUTE A DEED.

Voted That the Guardians of the Mashpee Indians, Notify The said Indians to meet together, at such time, and in such place, as they shall appoint, in Order to Chuse three suitable persons, on their behalf to make and Execute to the Reverend M^r Gideon Hawley a Good Deed of Conveyance in the Law of five Acres of Land in their propriety, to Accommodate him with a convenient house Lott; and also on their behalf to make & Execute to the said Gideon a Lease or other proper Instrument to convey to him, during his ministry among them, the Sole use & Improvement of thirty Acres of their Land, which is cleared together with the Improvement of so much of their Salt Marsh as will produce five Tons of good hay & also the privilege of Cutting from off their said propriety his fire Wood and fencing stuff during s^d Term.

Further

Voted That the s^d Indians so Assembled or the Greater part of them be hereby Impowered to Choose three suitable persons as afores^d for the purposes afores^d Which persons so chosen, are hereby Authoriz'd & Impowered for the said Indians & in their names to make & Execute to the said Gideon, (in Consideration of his pastoral Services among them) a good & sufficient Deed of Conveyance in the Law of the said five Acres of Land, to hold to him his heirs & assigns forever And also to make & Execute a Lease or other proper Instrument to Convey to the said Gideon, during said Term the Use & Improvement of the aforesaid thirty Acres of Cleared Land, & so much of their Salt marsh as is aforemention'd together with privilege of Cutting his fire & fenceing Wood as afores^d

The whole proceedure to be under the Conduct & Direction of the said Guardians. [*Passed March 15.*]

Legislative
Records of the
Council, xxii.,
541. Mass.
Archives,
xxxiii., 84.

House Jour-
nal, p. 288.
Ante, p. 241,
chap. 76; p. 257,
chap. 116.

CHAPTER 249.

ORDER ALLOWING £12 TO JAMES CONCK.

A PETITION of James Conck of Townshend, setting forth, That in the year, 1758. he inlisted divers Men into his Majesty's Service and paid the Bounty for two of said Men out of his own Pocket, that he afterwards went into the Service himself as a Sergeant, for

Legislative
Records of the
Council, xxii.,
541. Mass.
Archives,
lxxviii., 215.

House Jour-
nal, pp. 281, 282,
287.

which he hath not as yet received the province Bounty, nor hath he received the premium for inlisting said Men, And praying Relief.

Read and

Ordered that the prayer of the Pet^a be so far granted as that the Pet^r be [allowed]¹ the sum of twelve pounds Viz Eight pounds for the bounty of Jeremiah Ball and John Mcintosh and four pounds as bounty for the Pet^r the said Sums to be paid out of the Money in the hands of John Murray Esq^r taken out of the Treasury for the late Cap^t Johnson's Company. [*Passed March 15.*]

CHAPTER 250.

ORDER ALLOWING £4. 16 TO JOB CROOKER.

Legislative
Records of the
Council, xxii.,
542. Mass.
Archives,
lxxviii., 195.

Mass.
Archives,
lxxviii., 195.
House Jour-
nal, pp. 283, 288.

A PETITION of Job Crooker of Duxborough in the County of Plymouth, setting forth That he inlisted the last year into his Majesty's Service in the pay of this province and proceeded in Capt. Bradfords Company and Col^o Doty's Regiment to Ticonderoga and continued with the Army until the 20th August, when Lieu^t Col^o Doane gave him a Furlough to return home on account of his ill state of health, that he continued ill after his return, and was at Expence for Doctors and Nursing, but that he is made up in the Muster Roll only to the said 20th day of August; And praying Relief.

Read and

Ordered that the sum of four pounds Sixteen Shillings be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his sufferings within mentioned. [*Passed March 15.*]

CHAPTER 251.

ORDER ALLOWING £5 TO ZACH^a GILSON.

Legislative
Records of the
Council, xxii.,
542. Mass.
Archives,
lxxviii., 216.

Mass.
Archives,
lxxviii., 216.
House Jour-
nal, pp. 276, 289.

A PETITION of Zackary Gilson of Hatfield, setting forth That he was a Soldier in the pay of this province in 1757. and was taken prisoner at Fort William Henry and carried to Canada from whence after Suffering great hardships he returned home by way of Halifax where he had the Small pox; and praying Relief.

Read and

Ordered that the sum of five pounds be allowed and paid out of the publick Treasury to Israel Williams Esq^r for the Use of the Pet^r in full consideration for his Sufferings mentioned. [*Passed March 15.*]

¹ Inserted from Legislative Records of the Council, xxii., 542.

CHAPTER 252.

ORDER ALLOWING £3. 12 AND A FURTHER ALLOWANCE OF £1. 8 TO
NATH^L DAVIS.

A PETITION of Nathaniel Davis of Berwick, setting forth, That he was a Soldier in the pay of this province in 1757. and was taken prisoner at Fort William Henry and carried to Canada from whence after Suffering great hardships he returned home by way of Nova Scotia; And praying Relief.

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury three pounds twelve Shillings for two month's Wages as has been allowed to others included in the Capitulation; and one pound eight Shillings in consideration of his Sufferings &c. The said money to be paid to Cap^t Chadburne for the Use of the Pet^r. [*Passed March 15.*]

Legislative
Records of the
Council, xxii.,
543. Mass.
Archives,
lxxviii., 269.
Mass.
Archives,
lxxviii., 268.
House Jour-
nal, p. 287.
Ante, p. 135,
chap. 312.

CHAPTER 253.

ORDER ALLOWING £5 TO EACH SOLDIER CAPTURED AT FORT WILLIAM
HENRY, RETURNING HOME, EXCEPT BY WAY OF EUROPE.

Ordered that the Sum of five pounds be allowed out of the Treasury to all those Persons who were captivated at the Destruction of Fort William Henry and may return home by any other way than Europe. [*Passed March 15.*]

Legislative
Records of the
Council, xxii.,
543. Mass.
Archives,
lxxviii., 317.
House Jour-
nal, p. 289.

CHAPTER 254.

ORDER ALLOWING £8 TO JOSHUA NEWTON.

A PETITION of Joshua Newton, setting forth, That he was a Soldier in the pay of the province the last year, and was taken captive by the Enemy on the 20 July, and carried to Quebeck, and from thence sent to England, from whence he returned home by way of South Carolina after great Sufferings and at a great Expence And praying an Allowance.

Read and

Ordered that the sum of eight pounds be allowed and paid out of the publick Treasury to M^r Isaac Temple for the Use of the Pet^r in full consideration for his Services and Sufferings Wthin mentioned. [*Passed March 15.*]¹

Legislative
Records of the
Council, xxii.,
543. Mass.
Archives,
lxxviii., 229.
Mass.
Archives,
lxxviii., 229.
House Jour-
nal, pp. 266, 291.

¹ The date of final concurrence in the Council is given in Mass. Archives as March 14; evidently a mistake, as the same order states that its reading in the House occurred on March 15. The House Journal and Legislative Records of the Council both give the date as March 15.

CHAPTER 255.

VOTE ESTABLISHING WAGES FOR ONE HUNDRED AND FIFTY MEN ON BOARD PROVINCE SHIP KING GEORGE.

Legislative
Records of the
Council, xxii.,
544. Mass.
Archives, lxxv.,
550.

House Jour-
nal, p. 290.
Province
Laws, lli., 1067,
note. *Infra*,
chap. 256.

Voted that the following Establishment of Wages be made for
One hundred & fifty Men (Officers included) for the Province
Ship called the King George to continue untill the first day
of September next provided the War with France shall continue
so long Viz^t

For a Captain	Eight pounds	per month
For a Lieutenant	Five pounds	ditto
For a Master	Four pounds	ditto
For a Pilot	Four pounds	ditto
For a Chururgeon	Four pounds	ditto
For a Chirurgeon's mate	Two pounds, Ten shillings	ditto
For a Chaplain	Three pounds, Ten shillings	ditto
For a Mate	Three pounds	ditto
For a Carpenter	Three pounds	ditto
For a Gunner	Three pounds	ditto
For a Boatswain	Three pounds	ditto
For a Sailmaker	Two pounds, ten Shillings	ditto
For an Armourer	Two pounds, ten Shillings	ditto
For a Coxswain	Two pounds, ten Shillings	ditto
For a Boatswain's Mate	Two pounds, five Shillings	ditto
For a Steward	Two pounds, five Shillings	ditto
For a Cook	Two pounds	ditto
For a Quarter master	Two pounds, five Shillings	ditto
For each Seaman	Two pounds	ditto

and that his Excellency be desired to give orders for enlisting said Men accordingly. [*Passed March 15.*]

CHAPTER 256.

VOTE ESTABLISHING ALLOWANCE OF PROVISIONS ON BOARD PROVINCE SHIP KING GEORGE.

Legislative
Records of the
Council, xxii.,
544. Mass.
Archives, lxxv.,
551.

House Jour-
nal, p. 284.
Province
Laws, lli., 1067,
note. *Supra*,
chap. 255.

Voted that the following allowance of Provisions be made to
each Man in the Service on board the Province Ship of War King
George Viz

Six pounds of Bread
Four pounds of Pork
Three pounds of Beef
One pound & half of Flower
One Quart of pease or beans
Seven Jills of Rum
Three Gallons of Beer.

} Ɔ Week

[*Passed March 15.*]

CHAPTER 257.

ORDER IMPOWERING THE OVERSEERS OF THE POOR FOR THE TOWN OF BOSTON TO INLIST JOHN KIDNEY IN THE SERVICE.

Legislative
Records of the
Council, xxii.,
546.

A PETITION of John Kidney of Boston Mariner, Setting forth
That he has been for four or five months past a prisoner in Boston
Goal, and having been by the Court of General Sessions of the

peace in January last adjudged the reputed Father of a Bastard Child, and Ordered to pay three shillings ~~p~~ week for its Support, and to give bonds with Sureties to indemnify the Town of Boston, and to pay Costs; All which he is utterly unable to comply with, and as he is able and willing to serve his King and Countrey as a Mariner; praying he may be permitted to go into such Service for any term of time, and be discharged from said Sentence.

Read and

Ordered That the Overseers of the poor of the Town of Boston be and they hereby are allowed and impowered to dispose of the petitioner into his Majesty's Service for such time as they think reasonable for Satisfying the Sentence abovementioned. [*Passed March 16.*]

House Journal, pp. 276, 289.

CHAPTER 258.

VOTE ALLOWING SUBSISTENCE MONEY TO THE SOLDIERS.

Voted that there be advanced and paid to Each Non-Commission Officer and Private that shall be Employed by this Government in His Majesty's Service under His Majestys General and Commander in Cheif Six pence Sterling a day for subsistence to Each man from the Time of their Enlistment or being impressed untill they arrive at Worcester and to be paid them at the Time of their Marching off in Companys from the several places where they are Collected and also those non Commissioners & Privates who are to go by water that they be paid off their subsistence at the rate afors^d at the Time of their Embarkation. [*Passed March 16.*]

Legislative Records of the Council, xxii., 548. Mass. Archives, lxxviii., 326.

House Journal, p. 291. *Ante*, p. 307, chap. 240.

CHAPTER 259.

ORDER ALLOWING WAGES TO COL. JOS. FRYE.

A MEMORIAL of Joseph Frye Esq^r Setting forth That in the year. 1757. He was appointed Colonel of Eighteen hundred Men raised that year by the province and put under the Command of the Earl of Loudoun; that the whole care of this body of Men which it was thought at first required five Field Officers, devolved on the Memorialist; That his Expence as well as care and trouble was hereby increased, That having the Misfortune to fall into the Enemy's hands at the Surrender of Fort William Henry, he suffered great hardships and stript of his Arms, Cloathing & Camp Equipage and by the Capitulation laid under Obligation not to take up Arms against the Enemy for the term of eighteen Months; That having lost his papers and his men dispersed and scattered, his whole attention was engaged from the time he came home to the latter end of February before he could get any tolerable state of the Regiment And it was the 14 of April, before he had compleated the Rolls and other business of the Regiment; And praying the Consideration of the Court, and such Allowance as they shall judge meet.

Legislative Records of the Council, xxii., 548. Mass. Archives, lxxvii., 603.

Mass. Archives, lxxvii., 601. House Journal, pp. 153, 246, 293. Province Laws, iii., 1081, note.

Read and

Ordered that the Pet^r be allowed Wages from the time of his

entering into the Service till the 14th of April 1758 at Eighteen pounds per Month, deducting what He has already recieved out of the Treasury for that service. [*Passed March 16.*]

CHAPTER 260.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF LEAH RICE, ADM^x, AND DIRECTING CAP^t JABEZ UPHAM TO PAY THE WAGES OF HER HUSBAND.

Legislative
Records of the
Council, xxii.,
526, 545. Mass.
Archives,
lxxviii., 211.

Mass.
Archives,
lxxviii., 212.
House Jour-
nal, pp. 279, 280,
295.

A PETITION of Leah Rice of Brookfield in the County of Worces-ter Widow and Administratrix of the Estate of Charles Rice of said Brookfield Husbandman deceased, setting forth that her said Husband upon the Alarm in 1757. Marched as far as Kenderhook under Capt. Abbot and was since killed by the Enemy in the Service of the Government, and that he is made up in Capt. Abbot's Roll as a Servant to one Robert McClafflin, whereby She is wrongfully prevented receiving what was justly [due] to her said Husband, And praying Relief.

The Committee appointed on the petition of Leah Rice Reported That they had made due inquiry into the Affair, and were of Opinion that Capt. Jabez Upham in whose hands the pay of the Roll of Capt. Abbot was put for payment, pay the sum of Two pounds four shillings and five pence carried off to the late Husband of the petitioner in said Roll, to the petitioner as Administratrix on his Estate.

(Signed) JOHN CHANDLER

Read and accepted and

Ordered the Cap^t Upham pay Said Wages accordingly. [*Passed March 17.*¹]

CHAPTER 261.

ORDER DIRECTING THE SELECTMEN OF WATERTOWN TO CALL A TOWN MEETING AND APPOINTING A MODERATOR THEREFOR.

Legislative
Records of the
Council, xxii.,
523, 549.

Legislative
Records of the
Council, xxii.,
537. House
Journal,
pp. 271, 286, 294.

A PETITION of William Bond and a number of others, Inhabitants of Watertown, setting forth the Arbitrary and illegal proceedings of the Selectmen of said Town at their Annual Meeting on Monday last; and praying that the said Meeting may be set aside, or that they may be otherwise relieved.

The Committee appointed the 14 Instant, on the petition of William Bond and others of Watertown, having reported as their Opinion that this Court appoint some suitable person for a Moderator Of a Town Meeting to be held in said Town for the Choice of Town Officers for said Town.

Read and Accepted, and thereupon

Ordered That the Town Meeting that was to be holden by Adjournment in said Town of Watertown on Monday next be superceded and set aside and that the Selectmen of said Town be directed to call a Meeting of their Inhabitants (qualified by Law to Vote in Town Affairs) to be holden on the 27th day of March current at 11 of the clock beforenoon, at the place of their usual Meeting, for the choos-

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 16.

ing Town Officers for the present year, and for transacting such other proper Town Business as may be inserted in the Warrant or Warrants for calling said Meeting; Also

Ordered that Benjamin Lincoln Esq^r be the Moderator of said Meeting, and that he be and hereby is vested with the same power in all respects as any Moderator of a Town Meeting is by Law vested with; And the Assessors of said Town are hereby required to produce at said Meeting the List and Valuation of the Estates and Faculties of the several Inhabitants there last made by Assessors under Oath, to be made use of in determining the Qualification of Voters as occasion may require, the charge to be borne by the Town of Watertown. [*Passed March 17.*]

CHAPTER 262.

ORDER ALLOWING £7 AND A FURTHER ALLOWANCE OF £3, ALSO A PENSION OF £4 PER ANNUM TO EPHRAIM COOK.

A PETITION of Ephraim Cook of Kingston, Setting forth, That he went the last year as a Soldier in the pay of this province, and had the Misfortune at the building the Fort at the Great Carrying place to have his Leg so broken by the Fall of a Stick of Timber that he was obliged to have it cut off, and thereby rendered a Cripple and praying an Allowance on account of this Misfortune and the Charge attending the same.

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury the Sum of Seven pounds for his Charges mentioned, and three pounds for his Sufferings. And that He be allowed a Pension of four pounds per Year till the further Order of this Court. [*Passed March 17.*]

Legislative
Records of the
Council, xxii.,
550. Mass.
Archives,
lxxviii., 230.

House Jour-
nal, p. 294.

CHAPTER 263.

ORDER ALLOWING £7. 0. 8 AND A FURTHER SUM OF £3, ALSO A PENSION OF £5 PER ANNUM, TO EBENEZER KENTFIELD.

A PETITION of Ebenezer Kentfield of Cold spring, setting forth That he went out the last year as a Soldier in the pay of the province in Col^o Bagley's Regiment, that he received an unhappy Shot from the Enemy, which so broke and shivered the bones of his Right Arm, that he was obliged to Submit to having it taken off, whereby he is rendered in a great measure incapable of Business, And that on his return home he had the Small pox, and after that a Fever, And praying an Allowance for his Expence and Sufferings.

Read and

Ordered that the prayer [of this]¹ Petⁿ be so far granted as that there be allowed and paid out of the publick Treasury to the Pet^r the sum of seven pounds and eight pence to be by him paid to Salmon Kentfield And also that He be paid the further Sum of three pounds for his sufferings. And that He be a Pensioner for the future at five pounds per Year. [*Passed March 17.*]

Legislative
Records of the
Council, xxii.,
551. Mass.
Archives,
lxxviii., 210.

Mass.
Archives,
lxxviii., 209.
House Jour-
nal, pp. 292, 295.

¹ Inserted from Legislative Records of the Council, xxii., 551.

CHAPTER 264.

RESOLVE ALLOWING £80 TO THOMAS HUTCHINSON, ESQ^B.Mass.
Archives, i., 99.Executive
Records of the
Council, xiv.,
60. House
Journal, p. 295.

Resolved that the Sum of Eighty pounds be granted and paid out of the publick Treasury to the Hon^{ble} Thomas Hutchinson Esq^r in consideration of his many and faithful Services for the publick in diverse Instances committed to his care and managment the year past. [*Passed March 17.*]

CHAPTER 265.

ORDER IMPOWERING AND^W BURLEY, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.Legislative
Records of the
Council, xxii.,
547.House Jour-
nal, p. 178
(December,
1757); pp. 152,
254, 261, 292, 293.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Andrew Burley of Ipswich, Setting forth That the Debts due from his Testator Andrew Burley Esq^r late of Ipswich aforesaid deceased amount to Three hundred thirty nine pounds seventeen shillings and four pence one farthing more than all his personal Estate would pay, And praying that he may be impowered to Sell and Convey so much of his Testators Real Estate where it may be least prejudicial as may enable him to discharge said debts.

Read and

Ordered That The Petitioner in his Capacity as Executor be and hereby is authorized to make Sale of so much of the Real Estate of his said Testator as to pay the just debts of the deceased, and to make and execute a good deed or deeds of the same; He observing the Laws of this province relating to the Sale of Real Estates by Executors or Administrators and giving sufficient caution to the Judge of probate for the County of Essex, that the produce arising by said Sale shall be applied for the payment of the just debts of the said deceased, and the Overplus, if any there be, he shall Account with the Judge of Probate for said County for the same, and also making Sale of those Lands that will be least prejudicial to the Heirs. [*Passed March 18.*]

CHAPTER 266.

ORDER IMPOWERING THE TOWN OF LUNENBURG TO LAY A TAX OF ONE HALF PENNY PER ACRE PER ANNUM FOR FIVE YEARS ON LANDS OF NON-RESIDENTS, AND TO APPOINT A COLLECTOR OF THE SAME.

Legislative
Records of the
Council, xxii.,
419. Mass.
Archives,
cxxi., 348.Mass.
Archives,
cxxi., 347.
Legislative
Records of the
Council, xxii.,

A PETITION of Edward Hartwell Esq^r in behalf of the Inhabitants of the Town of Lunenburg in the County of Worcester, setting forth, That the Inhabitants are chiefly settled in the Easterly part of said Town; that the Westerly part is owned by Gentlemen that are Non Residents in a great measure, through which part of the Town they are obliged to maintain three publick Roads at a great charge which they are not well able to bear alone, And as the said proprietors are greatly benefited thereby, Praying that a Tax

of one half penny *p* Acre for the term of five years may be laid on all the unimproved Lands in said Town the Money arising thereby to be applied for the keeping the said Roads in good order.

545. House
Journal,
pp. 126, 299.

Read, and it appearing that the Petitioners have given public notice of the Substance of this Petition according to the order of this Court, and no Answer being given in.

Ordered That the Prayer of the Petition be granted. And that there be, and hereby is laid a Tax of one half penny *p* acre *p* annum upon all the unimproved Lands in the Township of Lunenburg belonging to Persons who do not reside in said Town, for the Term of five Years, to commence from this 16th of March A.D. 1759; and that the Inhabitants of said Town be impowered to appoint a Collector or Collectors for the Collecting & gathering in, such Tax, who shall pay the same to the Treasurer of such Town, or such other Person as the Inhabitants of said Town shall appoint; & as¹ to be applied to the Purpose in said Petition mentioned. [*Passed March 19.*²

CHAPTER 267.

ORDER ALLOWING £4.0.5 TO NEH: BULL.

A PETITION of Nehemiah Bull, setting forth, That he was the last year in his Majesty's Service in the pay of the province, and being ordered upon Service was taken Sick at a place where there were no publick Stores or Surgeon belonging to the Army, he incurred the Expence of Four pounds and five pence during said Sickness; And praying Relief.

Read and

Ordered that the sum of four pounds and five pence be allowed and paid the Pet^r out of the Treasury in consideration of his service within mentiond. [*Passed March 19.*

Legislative
Records of the
Council, xxii.,
552. Mass.
Archives,
lxxviii., 168.

Mass.
Archives,
lxxviii., 168.
House Jour-
nal, pp. 283, 298.

CHAPTER 268.

ORDER ALLOWING £13.13.10 EACH TO SILAS SEARS, SETH WALDEN AND THOMAS WHITE.

A PETITION of Samuel Knowles a Captain in Col^o Doty's Regiment in his Majesty's Service and in the pay of this province in the year. 1758. setting forth that he had three Supernumerary men sent him to Schenectady, but not having their Inlistments when he made up his Muster Roll, said three Men were omitted; And praying that said three Men may be impowered to receive their Wages notwithstanding.

Read and

Ordered that there be allowed and paid out of the publick Treasury to Silas Sears the Sum of £13.13.10 the like sum of £13.13.10 to Seth Weldon. and the sum of £13.13.10 to Thomas White in full for their wages omitted in the muster roll of the within named Knowles. [*Passed March 19.*

Legislative
Records of the
Council, xxii.,
553. Mass.
Archives,
lxxviii., 214.

Mass.
Archives,
lxxviii., 213.
House Jour-
nal, pp. 297, 298.

¹ *Sic.*

² This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 16.

CHAPTER 269.

RESOLVE IMPOWERING JOSIAH CHAUNCEY, ESQ, TO CALL A MEETING OF PROPRIETORS OF THE PLANTATION OF ROAD TOWN, TO RAISE PROVINCE TAX.

Legislative
Records of the
Council, xxii.,
554. Mass.
Archives,
cxvii., 461.

House Jour-
nal, p. 300.

WHEREAS the Inhab^{ts} of the Plantation Called Road Town Lying in the County of Hampshire are not Impowered by Law to Choose assessors and Collectors by Reason whereof they are not in a Capacity of making a Rate For the Province Tax Laid on them in the Last Tax act nor for Collecting the Same, Wherefore

Resolved, That Josiah Chauncey Esq^r Be & hereby is Impowered to Issue his Warrant to some Principall Inhabitant in s^d Plantation, Requiring him to Notifie & warn the Inhabitants of s^d Plantation Qualified by Law to Vote in Town affairs to meet at Such Time & Place in Said Plantation as shall be therein Sett forth, to Chuse three assessors for making the Province Tax Laid on them in the Last Tax Act & a Collector for the Gathering of the same, which Assessors & Collector shall be vested with all the Powers & Authorities that any assessors & Collectors of any Town in this Province are Invested with all by Law They taking the Oath required by Law for assessors & Collectors. [*Passed March 20.*]

CHAPTER 270.

ORDER IMPOWERING JOHN CHADWICK, GUARDIAN AND EXECUTOR, AND LYDIA BALL, EXECUTRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
555.

Province
Laws, ii., 151,
chap. 10.

A PETITION of John Chadwick and others, Guardians to the Children of John Ball, late of Worcester deceased, two of said Guardians, viz^t Lydia Ball and James Ball being also Executors of the deceaseds last Will and Testament, setting forth That the said deceased by his Will aforesaid gave his Real Estate in manner following, viz^t the use and improvement of one third part thereof to his Wife the said Lydia during Life, and the remainder equally among his ten Children, That the said Real Estate consists of a Dwelling house, Barn and about 140 Acres of Land in Worcester apprizd at Four hundred and thirty pounds; That three Sons of the deceased are of Age, and desirous that the said two thirds should be sold intire, and as the petitioners apprehend it will be for the Interest of the Minors to have it so sold praying that they may Be impowered in behalf of said Minors to join in the Sale thereof accordingly.

Read and

Ordered That the prayer of this petition be granted, and that the Executor and Executrix of the last Will and Testament of the deceased be and they hereby are impowered to make Sale of two thirds of the deceaseds Real Estate after the Widows thirds are duly set off, and to execute a good deed or deeds in the Law for conveying the same (with the Children of the deceased that are of Age) they observing the Rules and Directions in the Law relating to Executors and Administrators making Sale of Real Estates, and giving caution to the Judge of Probate for the County of Worces-

ter to Account for the Money arising by such Sale, and that the produce be divided among the Heirs agreeable to the Will of the deceased.¹ [*Passed March 20.*]

CHAPTER 271.

ORDER ALLOWING TO DAVID PALMER THE REMAINDER OF HIS BOUNTY MONEY.

A PETITION of Jabez Upham in behalf of David Palmer of Brookfield, setting forth, That said David enlisted into his Majesty's Service in the pay of this province the last year under Capt. Johnson, that said Captain not being furnished with the whole of the billeting money at the time he passed Muster, he received only Forty shillings part thereof, That said Captain was killed in the Service, and as the petitioner is informed that the Bounty money was lodged with Col^o Murray He prays he may have an Order to receive the remainder in behalf of the said David Palmer.

Read and

Ordered that the prayer of the petitioner within nam'd be granted and that Col Murray be desired to pay to him the remainder of his Bounty, & that the s^d Col Murray thereof be discharg'd at the Treasury. [*Passed March 20.*]

Legislative
Records of the
Council, xxii.,
556. Mass.
Archives,
lxxviii., 238.

Mass.
Archives,
lxxviii., 238.
House Jour-
nal, p. 290.

CHAPTER 272.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY TO COL^o BAGLEY THE £300 RECEIVED OF GEN^l ABERCROMBIE, AND CREDIT THE SAME TO THE PROVINCE.

Voted That the Treasurer be and hereby is directed to discount with Col^o Bagley out of the Three hundred pounds Sterling which he received of Major General Abercromby, what is due to said Col^o Bagley on his Staff Roll, and the Overplus of the said Three hundred pounds the said Bagley to be accountable for; and the Treasurer to Credit the province with the said Three hundred pounds. [*Passed March 20.*]

Legislative
Records of the
Council, xxii.,
556.

House Jour-
nal, p. 302.
Infra, chap.
273.

CHAPTER 273.

VOTE DIRECTING THE COLONELS TO PAY INTO THE TREASURY MONEY REC'D OF GENERAL ABERCROMBIE FOR THE PROVINCE.

Voted That the several Colonels who received Money from General Abercromby for the province be directed to pay the same into the Treasury forthwith. [*Passed March 20.*]

Legislative
Records of the
Council, xxii.,
557.

House Jour-
nal, p. 302.
Supra, chap.
272.

¹ Not found in the House Journal.

CHAPTER 274.

Legislative
Records of the
Council, xxii.,
557. Mass.
Archives,
lxxviii., 342.

House Jour-
nal, p. 302.

VOTE THAT MINORS AND SERVANTS INLISTING BE ALLOWED TO TAKE UP ONE HALF ONLY OF THEIR WAGES.

Voted that no Son under Age or Servant that shall proceed in the intended Expedition against Canada be allowed to take up more than one half of his Wages of any Person or Persons who may be appointed to Supply the Army &c. [*Passed March 20.*]

CHAPTER 275.

VOTE CHOOSING COLLECTORS OF EXCISE FOR ALL THE COUNTIES.

Legislative
Records of the
Council, xxii.,
557.

House Jour-
nal, pp. 219, 300,
301, 302. Prov-
ince Laws, iv.,
201, chap. 29;
238, note.

THE TWO HOUSES according to Appointment proceeded to the choice of Collectors of Excise for the several Counties within the province agreeable to an Act made and passed in the present year of his Majesty's Reign intituled An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges when the following persons were chosen by a Major Vote of the Council and House of Representatives
Viz^t For the County of

Suffolk	Mr Thomas Fletcher
Middlesex	Mr John Remington
Essex	Daniel Epes Esq ^r
Hampshire	Mr Gad Lyman
Worcester	Gardiner Chandler Esq ^r
Plymouth	Mr John Cushing
Barnstable	Mr Daniel Davis
Bristol	Mr Seth Williams jun ^r
York	Mr Daniel Clark
Dukes County	Mr Ichabod Wiswall
Nantucket	Mr Thomas Arthur

[*Passed March 20.*]

CHAPTER 276.

ORDER ACCEPTING REPORT OF COMMITTEE ON REPAIRS TO WHARF AT LIGHT HOUSE AND DIRECTING THE SAME BE BUILT OF STONE.

Legislative
Records of the
Council, xxii.,
558.

House Jour-
nal, pp. 263, 302.
Ante, p. 301,
chap. 226.

THE COMMITTEE appointed the 2^d Instant on the Memorial of Robert Balls, Keeper of the Light house relative to the North Wharf reported That they apprehend it will not be for the advantage of the province to have the same repaired the Timber thereof being so much wormeaten as will by no means answer again; And although a Wharf built with Stone (as the South Wharf is) will at first cost a considerable Sum of Money, yet will finally turn out much cheaper than one built with Timber, and thereupon further reported their Opinion that there be one built with Stone accordingly, the Cost of which they Calculate at £520

(Signed)

JACOB WENDELL } Com^{tee}
THOMAS HUBBARD }

Read and

Ordered That this Report be Accepted, and that the Wharf be

built with Stone accordingly; And that the Committee on the Repairs &c. cause the Same to be effected as soon as may be. [*Passed March 21.*]

CHAPTER 277.

ORDER AND VOTE ALLOWING £5 AND A PENSION OF £5 PER ANNUM TO AMOS HOWARD.

A PETITION of Amos Howard Setting forth That he inlisted the last year in his Majesty's Service in the pay of this province, and was in the Action near Ticonderoga where he received a Shot through his Right Arm, whereby it is so broken as to be in danger of being always useless; And praying Relief.

Read and

Ordered that there be paid out of the Treasury to M^r Dan^l Giddings for the Use of the Pet^r £5.

Voted also that a Pension of five pounds per annum be allowed the Pet^r till the further Order of this Court. [*Passed March 22.*]

Legislative
Records of the
Council, xxii.,
561. Mass.
Archives,
lxxviii., 341.

House Jour-
nal, p. 305.
Ante, p. 247,
chap. 88.

CHAPTER 278.

ORDER IMPOWERING OLIVER PARTRIDGE, ESQ^r, TO SELL OR EXCHANGE LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ruth Stiles of Hatfield, Guardian to her Sons Oliver Kellog and Russell Kellog Minors setting forth, That there was formerly laid out to Samuel Kellog of Hatfield deceased four Lots in said Town about 16 Rod wide, three of which are near four Miles long, which Lots descended to John Kellog late of Hatfield deceased, and he by his last Will and Testament devised the same to his two Sons Oliver and Russell abovementioned, ordering them to pay a considerable sum of Money to their Sister Sarah Kellog a Minor, And as the said Lands lye in a form very disadvantageous for improvement, praying She may have liberty to make Sale of and exchange part of the said Lots for the payment of the said Legacy and the benefit of the whole.

Read and

Ordered That the prayer of the petition be so far granted as that Oliver Partridge Esq^r be appointed and empowered as a person in trust to make Sale of, or exchange all or any part of the several Lots of Land originally laid out to Samuel Kellog deceased in the four divisions of Commons in the Town of Hatfield now belonging to Oliver and Russell Kellog, and as occasion shall require make and execute a good deed or deeds in the Law of the same, as also to take and receive deeds for their Use, and that the proceeds of the Sale of said Lands be put out at Interest by said Oliver Partridge Esq^r and continued so from time to time, and that he Account to said Oliver and Russell Kellog as they respectively come of Age. [*Passed March 22.*]

Legislative
Records of the
Council, xxii.,
561.

House Jour-
nal, pp. 272, 293,
294.

CHAPTER 279.

ORDER IMPOWERING SARAH ROBERTS, ADM^x, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxii.,
562.

Province
Laws, ii., 151,
chap. 10.

A PETITION of Sarah Roberts Administratrix of the Estate of her late Husband John Roberts late of Hardwick deceased, setting forth that the deceaseds Debts amount to Twenty one pounds more than all his personal Estate, That his Real Estate consisting of Eighty Acres of Land was Apprized at Eighty pounds 13/4, that it rents for but little, and the House is in a ruinous Condition; that A part must be sold for payment of debts, and that to sell a part would injure the whole Therefore praying liberty to sell the whole, She to be accountable according to Law.

Read and

Ordered That the prayer of this petition be granted, and that the petitioner Sarah Roberts Admin^x be and She hereby is impowered to make Sale of the Lands within mentioned for the most the same will fetch She observing the Rules prescribed by Law relating to Executors and Administrators making Sale of Real Estates, and to execute a good deed or deeds in the Law for conveying the same; That the profits or Interest of one third part thereof belong to the petitioner during Life; That the residue or two thirds parts after the just debts and charges are paid be divided among the Heirs or their legal Representatives or Guardians agreeable to Law, She giving sufficient caution to the Judge of probate for the County of Worcester to be answerable for the Money arising by said Sale, and that at the death of the Petitioner the third be in like manner divided.¹ [*Passed March 22.*]

CHAPTER 280.

ORDER GRANTING TO LEVI ELY LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
563. Mass.
Archives, cxi.,
439.

House Jour-
nal, p. 269.

A PETITION of Levi Ely of Springfield, setting forth That his late Father Samuel Ely deceased, did in August last renew his Licence for keeping a Tavern at his House in Springfield That the said House and its dependencies by his Fathers death is devolved on the petitioner who cannot by Law obtain a Licence from the Court of Sessions to carry on said Business until August next, and praying they may be impowered so to do at their next Session.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Hampshire be impowered and allowed (if they see cause) at their next Session to grant the Pet^r a Licence (He first obtaining the approbation of the Select Men of Springfield for that purpose) the time for granting Licences being elapsed notwithstanding. [*Passed March 22.*]

¹ Not found in the House Journal.

CHAPTER 281.

ORDER ALLOWING £10.9 TO JOSHUA TURNER.

A PETITION of Joshua Turner of Pembroke, setting forth That he went the last year a Soldier in the pay of the province and was at Schenectady put into Capt. Pratt's Company, and was sent up to the Great Carrying place where he continued to do Duty until he was taken Sick, upon which he obtained a furlow from his said Captain to come home, where he remained ill till the Army was dismissed, and having not been made up in any Muster Roll for pay praying Relief.

Read and

Ordered that there be allowed and paid out of the publick Treasury to the Pet^r the sum of ten pounds Nine shillings in full for his Wages from May 2 1758 to the 10th day of October following. [*Passed March 23.*]

Legislative
Records of the
Council, xxii.,
565. Mass.
Archives,
lxxviii., 194.
Mass.
Archives,
lxxviii., 194.
House Jour-
nal, pp. 272, 309.

CHAPTER 282.

VOTE ESTABLISHING THE WAGES OF OFFICERS IN THE INTENDED EXPEDITION AGAINST CANADA.

Voted, That the following Establishment be made for the Officers that may be employed in the intended Expedition against Canada. *Viz^t*

For a Colonel to each Regiment consisting of not less than nine Hundred men Twenty five Pounds		
For one Lieutenant Colonel for such Regiment, Sixteen Pounds thirteen shillings and four Pence		per Month.
For one Major to Ditto, Thirteen Pounds six Shillings and eight Pence		Ditto
For a Captain of one Hundred Men including Officers, Nine Pounds		Ditto
For 2 Lieutenants for such Company each, Five Pounds		Ditto
For one Ensign for Do, Three Pounds ten shillings		Ditto
For one Chaplain to each Regiment ten pounds to ¹ a Settled Minister & leaves his Congregation		Ditto
Eight pounds to A Minister not settled		Ditto
For one Chirurgeon to Ditto, Ten Pounds,		Ditto
For one Chirurgeon's Mate to Ditto five Pounds, six shillings & eight Pence		Ditto
For one Adjutant, four pounds		Ditto
For each Sergeant, Two Pounds three shillings and one Penny		Ditto
For each Corporal, one Pound eighteen shillings and seven Pence,		Ditto
For two Drummers to a Regiment, each one Pound eighteen Shillings & seven Pence		Ditto
To one Director of Hospital Stores Eight pounds. ²		per Ditto

Legislative
Records of the
Council, xxii.,
567. Mass.
Archives,
lxxviii., 354.
House Jour-
nal, p. 306.

[*Passed March 23.*]

CHAPTER 283.

VOTE ESTABLISHING THE WAGES OF OFFICERS IN PENOBSCOT EXPEDITION.

Voted, That the following Establishment be made for the Officers that may be employed to command the Guards, during the building a Fort at Penobscot *Viz^t*

Legislative
Records of the
Council, xxii.,
567. Mass.

¹ The House Journal, p. 306, reads, "if."

² The House Journal, p. 306, in addition reads, For each Private, £1. 16. per month.

Archives, lxxviii., 355.	For one Field Officer, twelve Pounds, ...	per Month.
	For a Captain of One Hundred Men, each, five Pounds, ...	Ditto.
House Jour- nal, pp. 253, 306.	For two Lieutenants for such Company, each, three Pounds, six Shillings, ...	Ditto.
<i>Ante</i> , p. 296, chap. 214.	For one Ensign for Ditto two Pounds ten Shillings, ...	Ditto.
	For each Sergeant for Ditto, two Pounds, ...	Ditto.
	For each Corporal for Ditto, one Pound, eighteen Shillings	Ditto.
	For two Drummers, for the whole each one Pound, eighteen Shillings	Ditto.
	For one Chaplain for the whole, five Pounds, ...	Ditto.
	For one Surgeon for the whole, six Pounds, ...	Ditto.
	For one Ditto's Mate for the whole Three Pounds ten Shillings	Ditto.
	For one Commissary; four Pounds	Ditto.

[*Passed March 23.*

CHAPTER 284.

VOTE ESTABLISHING THE GARRISONS AND THE WAGES AND PROVISIONS OF THE TROOPS FOR THE DEFENCE OF THE EASTERN AND WESTERN FRONTIERS.

Legislative
Records of the
Council, xxii.,
568. Mass.
Archives,
lxxviii., 356.

House Jour-
nal, pp. 307, 308.
Ante, p. 296,
chap. 214.

Voted, That the following Establishment be made for the Protection of the Eastern and Western Frontiers. *Viz*^t

That there be Pay and Subsistence granted for one Captain, one Lieutenant, three Sergeants, three Corporals, one Armourer, one Drummer, a Chaplain, and thirty eight Privates, at Fort-Halifax.

At the Store-House at Cushnoc, for one Lieutenant and twelve Privates.

At the Truck-House at Saco, for one Lieutenant and eight Privates.

At George's Fort, for one Captain, one Lieutenant, one Sergeant, two Corporals, one Drummer, one Armourer, and twenty eight Privates.

At Fort-Frederick at Pemaquid, for one Sergeant and eight Privates.

And that his Excellency the Captain General be desired to give Order that the said Men do Duty at said Garrisons, or be employed in Scouting as the Service may require.

That there be Pay and Subsistence granted for eight Privates at Lebanon, fourteen at Phillips-Town, twelve at Narraganset number One, and thirteen at Pierson and Hobb's-Town, and for one Captain, one Lieutenant, two Sergeants, and two Corporals to command said Men; and that the Captain-General be desired to give Order that said Men be employed in Scouting on the Frontiers of said Places, or posted in them as the Service may require.

That there be Pay and Subsistence granted for eight Privates at New-Marblehead, twelve Ditto at New Gloucester, sixteen Ditto at Frankfort, nineteen Ditto at Madamock-Falls, and for one Captain, one Lieutenant, two Sergeants and two Corporals to command said Men; and that the Captain-General be desired to give Order that said Men be employed in Scouting on the Frontiers of said Places, or posted in them as the Service may require. And

that there be Pay and Subsistence granted for one Sergeant and five Privates at Burton's Garrison on George's-River; and for one Sergeant and five Privates at Henderson's Garrison at the Entrance of George's-River; for one Sergeant and nine Privates at Madum-cook; for one Sergeant and seventeen Privates at Broad-Bay; And that the Captain-General be desired to give Order that said Men be employed for the Protection of the People at their Labour, and the Coasters when loading their Lumber That there be pay & Subsistence for one Lievtenant one Serj^t 1 Corp^l 1 Drumer & Six-

teen Privates at Fort Massachusetts That there be Pay and Subsistence granted for one Lieutenant, one Sergeant, one Corporal, and sixteen Privates at the Block-House at West-Hoosuck: And that the Captain-General be desired to Order said men to do Duty in said Garrison, or in Scouting as the Service shall require. And that Pay and Subsistence be granted for seven Privates at Sheldon's Garrison; for seven Privates at Burk's Garrison; for twenty five Privates at Colerain; for eleven Privates at Taylor's, for eleven at Hawk's; and for five Privates at Rice's Garrison; for thirteen Privates at Greenfield; five Privates at Williams; seven at the new Garrison built by Jones and Others; and five at Goodrich's Garrison at Pontoosuck, seven at Hunt's-Town, six at Framingham; and for one Captain, one Lieutenant, ten Sergeants, and three Corporals to command said men: and that the Captain-General be desired to order that said men be employed in Scouting on the Frontiers of said Places, or posted in them, as the Service may require. and that the Establishment continue until the fifteenth Day of June next, and no longer; and that the Captain-General be desired to order all the aforesaid Men not already in the Service, to be raised by Inlistment; their Pay and Subsistence to commence from the Day of their Inlistment, from and after the tenth Day of April next.

Also, That the Wages of Officers and Soldiers in the Marching Forces for the Term aforesaid, be as follows, Viz^t

For a Captain, four Pounds sixteen Shillings, ...	per Month
For a Lieutenant, three Pounds four Shillings, ...	Ditto.
For a Sergeant, one Pound fourteen Shillings	Ditto.
For a Corporal, one Pound, nine Shillings & ten Pence, ...	Ditto
For a private Soldier, one Pound six Shillings and eight Pence	Ditto

And for the Garrison Officers and Soldiers as follows Viz^t

For a Captain, four Pounds, ...	per Month.
For a Lieutenant, three Pounds, ...	Ditto.
For a Chaplain, five Pounds, ...	Ditto.
For an Armourer, two Pounds, ...	Ditto.
For a Sergeant, one Pound ten Shillings	Ditto.
For a Corporal, one Pound eight Shillings, ...	Ditto
For a Drummer, one Pound eight Shillings, ...	Ditto
For a private Soldier, one Pound four Shillings, ...	Ditto

And there be allowed for Subsistence of Soldiers on the Western Frontiers, as follows, Viz^t;

At Pontoosuck, four Shillings and eight Pence per Week.

At Fort-Massachusetts, West-Hoosuck, Charlemont, Colrain, Fall-Town, and Hunt's Town, five Shillings and four Pence, per Week, and at all other Places four Shillings per Week.

That the Provision for the Subsistence of the four Hundred Men to be employed in the Service at Penobscot be as follows. Viz^t

To each Man, one Pound of Bread, ...	per Diem.
Twelve Ounces of Pork, ...	Ditto.
Half a Pint of Peas or Beans, ...	Ditto.
one Quart of mollasses, ...	per Week.

a Chest of medicines of the Value of twenty Pounds.

And that the Commissary be accountable on Oath, for all the Provisions and other Things he shall receive, and be under Bond with sufficient Sureties, for the faithful Discharge of his Trust; and that he shall not deduct any Part out of said Provisions, and apply it to his own Use. [*Passed March 23.*]

CHAPTER 285.

ORDER DIRECTING THE COLLECTOR OF EXCISE TO WITHDRAW HIS PROSECUTION AGAINST GIDEON GARDNER.

Legislative
Records of the
Council, xxii.,
571. Mass.
Archives, cxi.,
441.

House Jour-
nal, pp. 298, 310.

A PETITION of Gideon Gardner of Boston Innholder, setting forth, That he has for divers years past been Licenced to keep a Tavern; that at the time for renewing Licences for the year. 1758. He was confined to his Bed by Sickness he trusted to one of his Neighbours to apply in his behalf for a Licence, and concluding that his Licence was renewed, he proceeded to carry on his business as usual, but it seems the Licence was not renewed, and the Collector of Excise for the County of Suffolk hath brought sundry prosecutions against the petitioner for Selling Strong Liquors without Licence; And praying Relief.

Read and

Ordered that the Prayer of this Petⁿ be so far granted as that the Collector of Excise be directed to withdraw the Prosecution ag^t the Pet^r He paying the Costs Satisfying the Collector, and Accounting with him for the Liquors sold by him since the taking out his last Licence. [*Passed March 23.*]

CHAPTER 286.

Legislative
Records of the
Council, xxii.,
572. Mass.
Archives, l.,
100.

House Jour-
nal, p. 314.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE FOR THE TABLE OF HIS EXCELLENCY ON HIS VOYAGE TO THE EASTWARD.

Voted that the Commissary General be directed to make suitable provision for His Excellency's Table in his intended Voyage¹ to the Eastern parts of the Province. [*Passed March 26.*]

CHAPTER 287.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY W^m BAKER, DOORKEEPER, HIS SALARY NOW DUE.

Legislative
Records of the
Council, xxii.,
573.

House Jour-
nal, pp. 309, 314.

A PETITION of William Baker Doorkeeper to his Excellency and the two Houses, setting forth the difficulties he labours under for want of having his Salary duly and regularly paid; And praying Relief.

Read and in answer

Ordered That the Treasurer be directed to pay the petitioner as soon as may be in Money, three quarters of a Years Salary now due to him for past Services. [*Passed March 27.*]

¹ See the House Journal, p. 314.

CHAPTER 288.

VOTE IMPOWERING CAPT. OSBORNE TO ENDORSE TREASURY NOTES
ISSUED FOR PAYMENT OF BOUNTY.

Legislative
Records of the
Council, xxii.,
573. Mass.
Archives,
lxxviii., 361.

Voted that Cap^t Osborne¹ Endorse those Notes that shall Issue out of the Treasury for the payment of the Bounty of Non commission Officers and Soldiers who shall enlist in the Service of the ensuing Campaign. [*Passed March 27.*]

House Jour-
nal, p. 312.
Ante, p. 307,
chap. 240.

CHAPTER 289.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Voted That Two pounds fifteen shillings be paid out of the public Treasury to Samuel Niles Esq^r for the Use of Robert Hayden £2.10 to William Richardson Esq^r for the use of James Meriam, To Abel Keen £5. To Job Winslow £6.2. To William Richardson Esq^r for the Use of Aaron Willard £12. To M^r Matthew Noble for the use of Roger Root £1.6 To Capt. Keen for the Use of George Russell £3.10. To William Richardson Esq^r for the use of Thomas Geary £3.16.8½ and for the use of Phineas Wilder £5 To Josiah Walton £2.4.8. To Elisha Hastings £5.11. To John Holbrook £1.17.7. To Col^o Samuel Waldo for the Use of Samuel Cole £6 To M^r Richard Bailey for the use of James Wood £1.18.7. To William Richardson Esq^r for the use of John Bailey £4. And for the Use of John Larkin £2.14 and for the use of Josiah Sawyer £1.18 And for the Use of Asaph Butler £5 and for the Use of John Wheeler £4. and for the use of Esther Smith £6 in full Consideration for the Services and Sufferings in their respective petitions mentioned. [*Passed March 27.*]

Legislative
Records of the
Council, xxii.,
573.

Mass.
Archives,
lxxviii., 1, 56,
67, 78, 79, 91,
173, 189, 198, 223,
224, 236, 243, 247,
253, 255, 259, 262.
House Jour-
nal, p. 305.

CHAPTER 290.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Voted That Nine pounds three shillings be paid out of the public Treasury to Col^o White for the use of Ebenezer Caswall; To Major Read for the Use of Nathaniel Farmer £9.3. and for the use of Timothy Farley £1.10. and to Benjamin Fitch £6.17.4. and to Simon Crosby £1.14. To Capt. Bacon for the use of Nathaniel Howland Fifteen pounds three shillings, and for Lemuel Bearse £1.18 and for David Parker £2. and for James Davis £4.15.8. To Col^o Lawrence for the Use of John Ervin £8 and for the use of Samuel Witherbe £3 To William Hill £2.18. To phillip Root 5. To James Wallingsford £2.16.8. To William Atwood £2.8. To William Goss £2.11.4 To Abraham Bliss £1.10. To John Macoon £2.6.2 To Capt. Stevens for the use of Lucretia Edes £2.2.2. To Phineas Atherton £4.19. To Capt. Hubbell for the Use of Noah Kellog £5.10 in full Consideration of the Expences and Services in their respective petitions mentioned. [*Passed March 27.*]

Legislative
Records of the
Council, xxii.,
574.

Mass.
Archives,
lxxviii., 45, 50,
51, 138, 152, 177,
178, 180, 183, 186,
191, 217, 249, 252,
257, 258, 277, 311,
388. House
Journal,
pp. 309, 310.

¹ The House Journal, p. 312, reads, "the Secretary endorse," etc.

CHAPTER 291.

ORDER ALLOWING £4. 8. 10 TO DR. SAM^L GARDNER.

Legislative
Records of the
Council, xxii.,
574. Mass.
Archives,
xxxiii., 51.

Mass.
Archives,
xxxiii., 50–52.
House Jour-
nal, pp. 53, 314.
Ante, p. 241,
chap. 76, note.

A PETITION of Doct^r Samuel Gardner praying an Allowance for Attendance on sundry Stoughton Indians by order of their Guardians and for Medicinces administred to them in their Sickness.

Read and

Ordered that the Prayer of the Pet^a be granted and the Pet^r is allowed to be paid out of the Treasury four pounds eight Shillings and ten pence accordingly. [*Passed March 27.*]

CHAPTER 292.

ORDER ALLOWING SARAH NEWTON THE WAGES OF HER SON AND A FURTHER AMOUNT OF 12/.

Legislative
Records of the
Council, xxii.,
574.

House Jour-
nal, pp. 261, 313.

A PETITION of Sarah Newton of Leicester; setting forth. That her Husband Abraham Newton left her about Seven years since, and that She hath had no certain Intelligence concerning him for four years past; That her only surviving Son John Newton went into the Service the last year and was mortally wounded at Ticonderoga, and there lost his Blanket and a Gun of his own; That a fellow Soldier lent him a Blanket to carry him to Albany, in which he was buried, and for which pay is demanded of her; And praying an Allowance for said Articles, and that She may be enabled to receive her said Sons Wages.

Read and

Ordered That the petitioner be allowed and paid out of the publick Treasury the Wages due to her Son John Newton within named and that the Further sum of Twelve shillings be allowed the said petitioner in consideration of the loss of the Blanket mentioned. [*Passed March 27.*]

CHAPTER 293.

VOTE ALLOWING £4. 1 TO RICH^D TRUESDELL.

Legislative
Records of the
Council, xxii.,
575. Mass.
Archives,
lxxviii., 63.

Mass.
Archives,
lxxviii., 62.
House Jour-
nal, pp. 215, 316.

A PETITION of Richard Truesdell setting forth, That being a Soldier in the pay of the province he was Wounded in the Action at Ticonderoga by a Ball that passed through his Breast and Right Arm, that it is not likely he will be able for some Months, if ever, to do anything for his own Support; And praying Relief.

Read and

Ordered that four pounds one Shilling be paid out of the Treasury to Cap^t Clark for the Use of the Pet^r in full consideration for his Sufferings within mentioned. [*Passed March 27.*]

CHAPTER 294.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE HOSPITAL STORES.

Voted that the Commissary General be directed to provide Hospital Stores for every Thousand Men, as follows viz^t

Beds Blanketts and Pillows thirty seven of each
 Sheets forty.
 Tin Spout Cups three dozen
 Port Wine one Barrell
 Vinegar six Barrells
 Loaf Sugar fifty weight
 Brown ditto one barrell
 Molasses two Barrells
 Oatmeal twelve bushells
 Indian Meal fifty bushells
 Chocolate thirty weight
 Coffee thirty weight
 Soap one hundred weight
 Candles fifty weight
 Raisins three Casks
 Butter two Firkins
 two Jars of Oyl
 Lime Juice ten Gallons
 Brandy ten Gallons
 Rum one barrell
 Pewter Porringers one dozen
 Pewter Spoons one dozen
 Tin quart Potts one dozen
 Tin two quart Potts one dozen
 Tin sauce-pans half a dozen holding two quarts each.
 Two Bed-pans

Legislative
 Records of the
 Council, xxii.,
 575. Mass.
 Archives,
 lxxviii., 362.

House Jour-
 nal, p. 312.
Ante, p. 303,
 chap. 231.

[*Passed March 27.*

CHAPTER 295.

ORDER ALLOWING 16/6 TO JOS. WHITMORE.

A PETITION of Joseph Whittemore of Leominster, praying an Allowance for billeting himself on his return from the Army the last Year

Read and in answer

Ordered that Sixteen Shillings and six pence be paid out of the Treasury to Cap Richardson for the Use of the Pet^r in full for his expences mentioned. [*Passed March 28.*

Legislative
 Records of the
 Council, xxii.,
 576. Mass.
 Archives,
 lxxviii., 335.

Mass.
 Archives,
 lxxviii., 333.
 House Jour-
 nal, p. 316.

CHAPTER 296.

VOTE THAT THE ACCOUNTS OF THE LAST YEARS CAMPAIGN BE PREPARED AND SENT TO MR AGENT BOLLAN.

WHEREAS his Excellency was pleas'd the last year to represent to y^e Right Hon^{ble} M^r Pitt the distressd State which the Province must necessarily be in, unless a Compensation should be made for the extraordinary expences then incurring, and has been pleas'd since to repeat his Solicitation for such Compensation:

Voted that the thanks of this Court be returned to his Excellency for his Representation & Solicitation afores^d

Legislative
 Records of the
 Council, xxii.,
 580. Mass.
 Archives,
 xxii., 81.

Mass.
 Archives,
 xxii., 75, 78, 79,
 96, 98; ciii., 719.

House Journal, pp. 318, 319.
Infra, chap. 299.

And Whereas it appears by a Letter from M^r Secretary Pitt to his Excellency, that it is expected the necessary Documents be sent over:

Voted that the Accounts of y^e Charge of the last years Campaign be prepared, and that the Secretary transmit them to M^r Agent Bollan, and that he be instructed that (if such Compensation shall not have been granted[])¹ he use his best Endeavours to obtain the same, And that he wth such other person or persons, as this Court shall join receive the Sum granted and remit the same to the Treasurer of the Province in one of His Majesty's ships of War and procure insurance thereof. [*Passed March 28.*]

CHAPTER 297.

VOTE DESIRING THE CAPTAIN GENERAL TO IMPOWER CAP^t HOLLOWELL TO IMPRESS SEAMEN TO MAN THE PROVINCE SHIP "KING GEORGE."

Legislative Records of the Council, xxii., 581. Mass. Archives, lxxv., 571.

Mass. Archives, lxxv., 569, 570. House Journal, p. 317. Province Laws, iii., 1068, note. *Ante*, p. 316, chap. 255.

A MEMORIAL of Capt. Benjamin Hallowell jun^r Commander of the Ship King George Representing the difficulty he meets with in getting his Ship Manned occasioned by the great demand for Men for the Transport Service; And praying that he may be empowered to impress out of inward bound Vessels a sufficient number of Men to make up his Complement.

[Read and]

Voted that the Captain General be Desired to Give orders to Capt^a Hallowell to impress out of the Inward bound Vessells so many Sea men as to make up the Compliment of men (with those he hath already Enlisted) to Compleat the number allowed by this Court to man the Ship King George of which the said Hallowell is Co^mmander. [*Passed March 28.*]

CHAPTER 298.

Legislative Records of the Council, xxii., 581.

House Journal, p. 317. *Ante*, pp. 252–254, chaps. 98–108.

VOTE DIRECTING THE SEVERAL COMMITTEES APPOINTED TO FARM EXCISE ON TEA, COFFEE, &c, TO SUSPEND ACTION TILL THE FURTHER ORDER OF THIS COURT.

Voted That the several Committees appointed to farm out the Excise upon Tea, Coffee &c. be directed to suspend that Affair, 'till the further Order of this Court. [*Passed March 28.*]

CHAPTER 299.

Legislative Records of the Council, xxii., 581. Mass. Archives, xxii., 80.

Legislative Records of the Council, xxii., 581. House Journal, p. 319. *Supra*, chap. 296.

VOTE JOINING JOHN POWNALL, ESQ^r, WITH M^s BOLLAN IN RECEIVING AND REMITTING MONEY THAT MAY BE GRANTED BY PARLIAMENT.

Voted that John Pownall Esq^r be Joyn'd with M^r Agent Bollan in recieving and remitting the money that may be granted by Parliament as a Compensation for the Charge of the last Year's Campaign. [*Passed March 28.*]

¹ Inserted from the House Journal, p. 318.

CHAPTER 300.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE MEDICINE CHESTS FOR THE ARMY, ALSO VOTE DIRECTING SURGEONS TO RETURN UNUSED CHESTS, MEDICINES AND INSTRUMENTS.

Voted that the Commissary General be Directed to provide a Surgeons Chest of Fifty pounds Value for Every Thousand men and so in proportion for the whole of the forces that are going on the present Expedition

Legislative
Records of the
Council, xxii.,
582. Mass.
Archives,
lxxviii., 373.

Voted also that those Surgeons who shall be Employed in the said Expedition be directed to return into the Commissary General's Stores at the End of the Campaign the Surgeons Chests medicines & Instrument's which may be left & not used for the army before they receive their wages out of the Treasury. [*Passed March 28.*]

House Jour-
nal, p. 319.
Ante, p. 303,
chap. 231.

CHAPTER 301.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE CLOTHING FOR SOLDIERS.

Voted that the Commissary General be directed to provide a suitable number of Shirts Hose and Shoes for the more comfortable Subsistence of the Soldiers in the ensuing Campaign. [*Passed March 28.*]

Legislative
Records of the
Council, xxii.,
582. Mass.
Archives,
lxxviii., 372.

House Jour-
nal, p. 319.

CHAPTER 302.

VOTE DIRECTING THE COMMISSARY GENERAL TO TAKE ADVICE IN REGARD TO MEDICINES FOR THE FORCES IN THE INTENDED EXPEDITION.

Voted That the Commissary General be directed to take the Advice of Joseph Pyncheon and William Brattle Esq^{rs} respecting the Species and Quality of the Medicines to be provided for the Use of the Forces in the pay of this province for the Service of the Expedition. [*Passed March 28.*]

Legislative
Records of the
Council, xxii.,
582.

House Jour-
nal, p. 320.
Ante, p. 303,
chap. 230.
Supra, chap.
300.

CHAPTER 303.

VOTE ALLOWING THE SURGEON OF EACH REGIMENT A MATE IN ADDITION TO THE ONE ALREADY ALLOWED.

Voted That a Surgeon to each Regiment be allowed One Mate in addition to One already voted by this Court. [*Passed March 28.*]

Legislative
Records of the
Council, xxii.,
582.

House Jour-
nal, p. 319.
Ante, p. 327,
chap. 282.

CHAPTER 304.

ORDER ALLOWING £9.3 TO COL. JONATHAN BAGLEY.

Legislative
Records of the
Council, xxii.,
582. Mass.
Archives,
lxxviii., 328.

Mass.
Archives,
lxxviii., 327.
House Jour-
nal, p. 319.

A PETITION of Col^o Jonathan Bagley, setting forth, That his Son William Bagley being last year in the Service, and suffering great difficulties after the Action at Ticonderoga in bringing off the Wounded, contracted a Fever of which He lay dangerously ill at Albany for eight weeks, in which time he expended upwards of Nine pounds for his Board, Doctor and Attendance And upon his return home relapsed at Worcester and died; And praying an Allowance

Read and

Ordered that the Pet^r be paid out of the Treasury Nine pounds three Shillings in full consideration for his Son's Sufferings &c. [*Passed March 28.*]

CHAPTER 305.

ORDER ALLOWING £3.10 TO MOSES BIGELO.

Legislative
Records of the
Council, xxii.,
583. Mass.
Archives,
lxxviii., 88.

Mass.
Archives,
lxxviii., 87.
House Jour-
nal, pp. 160, 318.

A PETITION of Moses Bigelo of Watertown setting forth That being the last year a Soldier in the pay of the province, and while upon Duty mending the Roads had the misfortune accidentally to lose two of his Fingers And praying Relief.

Read and

Ordered that there be paid out of the publick Treasury to M^r Whitney for the Use of the Pet^r three pounds ten shillings in full for his Sufferings within mentioned. [*Passed March 28.*]

CHAPTER 306.

ORDER ALLOWING £5 TO JOHN BALCH.

Legislative
Records of the
Council, xxii.,
583. Mass.
Archives,
lxxviii., 52.

Mass.
Archives,
lxxviii., 52.
House Jour-
nal, p. 319.

A PETITION of John Balch of Topsfield, setting forth That his Son David Balch being a Soldier in the pay of this province the last year, and being taken Sick, the petitioner went beyond Albany to take care of him, and there meeting with M^r Foye a Gentleman employed by the Government, he received Orders from him to take proper care of his Son, which he did accordingly And praying an Allowance.

Read and

Ordered that there be paid out of the Treasury to M^r Gould for the Use of the Pet^r five pounds in full consideration for the services within mentioned. [*Passed March 28.*]

CHAPTER 307.

ORDER ALLOWING £7. 19 TO GIDEON TOWER UNDER CONDITIONS.

A PETITION of Gideon Tower of Braintree a Soldier in the pay of this province the last year Setting forth That he inlisted on the 2^d of April, but not Marching with the Regiment was ordered to Castle William on the 10 July, from whence he was sent to Albany by Water and attended his duty till the 28th September when he was ordered to take care of sundry Sick Soldiers on their Return, and did not reach home till the 11th October, and that he is made up in no Roll for said Service; And praying Relief.

Legislative
Records of the
Council, xxii.,
583. Mass.
Archives,
lxxviii., 125.

Mass.
Archives,
lxxviii., 124.
House Jour-
nal, pp. 178, 314,
318. *Ante*,
p. 247, chap. 89.

Read and

Ordered that there be paid out of the Treasury to the Pet^r Seven pounds Nineteen Shillings for his Wages for four months fifteen days Provided He produces a Certificate of the return of his Gun. But if not that three pounds be stop'd out of the sum aforesaid. [*Passed March 28.*]

CHAPTER 308.

VOTE ALLOWING £10. 19 TO JOSIAH KEITH.

A PETITION of Josiah Keith of Easton setting forth That his Son Benjamin Keith was a Soldier in the pay of this province in Capt. Andrews's Company the last year, but is omitted in the Muster Roll; And praying Relief.

Legislative
Records of the
Council, xxii.,
584. Mass.
Archives,
lxxviii., 239.

[Read and]

Voted that there be paid out of the Treasury to the Pet^r ten pounds Nineteen Shillings in full for his Son's Wages. [*Passed March 28.*]

House Jour-
nal, p. 318.

CHAPTER 309.

ORDER ALLOWING £7. 16 TO JAMES DENTON UNDER CONDITIONS.

A PETITION of James Denton of Braintree, a Soldier in the pay of the province the last year setting forth That he inlisted on the 29th day of May, and proceeded to Albany and continued in the Service till the 13 September, when being Sick, he returned home upon Furlough, but that he is not borne upon any Roll And praying Relief.

Legislative
Records of the
Council, xxii.,
584. Mass.
Archives,
lxxviii., 127.

Read and

Ordered that the Pet^r be paid out of the Treasury Seven pounds Sixteen Shillings for his Wages for four months ten days if He produces a Certificate of the return of his Gun; but if not that three pounds be stop'd out of the aforesaid Sum. [*Passed March 28.*]

Mass.
Archives,
lxxviii., 126.
House Jour-
nal, pp. 178, 314,
315, 318. *Ante*,
p. 247, chap. 89.

CHAPTER 310.

VOTE ALLOWING £2. 14 TO SAM^l PAGE.

Legislative
Records of the
Council, xxii.,
584. Mass.
Archives,
lxxviii., 171.

A PETITION of Samuel Page, praying an Allowance of the charge of his Servant William Turners Sickness who went a Soldier in the last years Campaign.

[Read and]

Mass.
Archives,
lxxviii., 171.
House Jour-
nal, p. 319.

Voted that there be paid out of the Treasury to M^r Hall for the Use of the Pet^r two pounds fourteen Shillings in full for the service within mentioned. [*Passed March 28.*]

CHAPTER 311.

VOTE THAT THE FIRST AND THIRD PARISHES IN WOBURN BE REUNITED AND CALLED THE FIRST PARISH.

Legislative
Records of the
Council, xxii.,
585.

Mass.
Archives, xiv.,
117. House
Journal,
pp. 305, 311, 312.
Province
Laws, xlii., 622,
chap. 88.

A PETITION of Josiah Johnson and others in behalf of the first and third parishes in Woburn, setting forth, That heretofore they were the first parish in that Town, but by means of some unhappy Contentions were divided and made two separate parishes. That as those Contentions with the causes of them are removed, and as the said third parish is destitute of a Minister, both parishes are desirous of reuniting and being made the first parish in Woburn upon certain terms mentioned in said petition; And praying that they may be reunited accordingly.

[Read and]

Voted that the prayer of the petition be granted, and that the said First and Third parishes in Woburn aforesaid be and hereby are to all intents and purposes reunited, incorporated and erected into one intire parish or precinct and thenceforward to be the first parish or precinct in Woburn aforesaid in the same manner as it was before the division thereof into two parishes; And that the Inhabitants thereof be henceforward invested with the like privileges Immunities and powers that Any other parishes or Precincts within this province are invested withal, any Law or Order to the Contrary notwithstanding.

provided Nevertheless that the said third parish shall by the first day of March next pay and deliver into the Treasury of the said first parish the sum of Fifty two pounds of Lawful Money of this province towards the yearly Salary of the present Minister of the aforesaid first parish which became due on the 27th day of January last, and from that day forward to be jointly taxed with the said first parish for their ministers Salary and all other parish or precinct Charges.

provided also that each of the parishes aforesaid may and shall severally adjust, settle and finish their own proper parish Accounts and Affairs, and pay and discharge their several debts respectively due from them, as heretofore they might have done, and be and hereby are fully impowered for those ends and purposes to lay and impose suitable Taxes upon the polls and Estates within their respective parishes sufficient therefor, and may Sue and be Sued (for

any debts already contracted) by the name of the first or third parish in the same manner as if they had not been thus reunited and incorporated together. [*Passed March 28.*]

CHAPTER 312.

ORDER ALLOWING £4 TO ELISHA LITCHFIELD.

A PETITION of Elisha Litchfield of Scituate, a Soldier in the pay of this province, praying an Allowance of the Charge of his Sickness while in the Service, and of his returning home.

Read and

Ordered that there be paid out of the Treasury to Col^o Clap for the use of the Pet^r four pounds in full for his Sufferings within mentioned.¹ [*Passed March 29.*]²

Legislative
Records of the
Council, xxii.,
583. Mass.
Archives,
lxxviii., 48.

Mass.
Archives,
lxxviii., 47.
House Jour-
nal, p. 318.

CHAPTER 313.

ORDER GRANTING JOSEPH EATON FURTHER TIME TO ANSWER SAMUEL READ AND REFERRING THE PETITION OF THE LATTER.

A PETITION of Joseph Eaton of Lynn, Setting forth That he has by order of this Court been Notified to make Answer to the petition of Samuel Read of Lunenburg, but that the Notification was served so late that he has not had time to make Answer to said petition, and being now necessarily hindered on account of raising Men for the publick Service praying that he may be indulged with further time.

Read and

Ordered That the prayer of the Petition be granted, and that the Consideration of the petition of Samuel Read within mentioned be referred to the second Wednesday of the next Sitting of the General Court.³ [*Passed April 12.*]

Legislative
Records of the
Council, xxii.,
591.

House Jour-
nal, pp. 310, 327.
Ante, p. 312,
chap. 246.

CHAPTER 314.

ORDER ALLOWING £2.12 TO JAMES BACON.

A PETITION of James Bacon of Roxbury praying to be reimbursed the Expence of his Journey to Schenectady in order to Assist his Brother, since deceased, a Soldier in the pay of this province then Sick there, and to convey him home.

Read and

Ordered that there be paid out of the publick Treasury to M^r Heath for the Use of the Pet^r £2.12 in full. [*Passed April 12.*]⁴

Legislative
Records of the
Council, xxii.,
593. Mass.
Archives,
lxxviii., 411.

Mass.
Archives,
lxxviii., 410.
House Jour-
nal, p. 324.

¹ Adjourned to April 11. See Legislative Records of the Council, xxii., 587.

² This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 28.

³ Not found in the House Journal.

⁴ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 13.

CHAPTER 315.

ORDER REFERRING THE PETITION OF THOMAS SPARHAWK & OTHERS
IN REGARD TO BEING ERECTED INTO A PRECINCT.

Legislative
Records of the
Council, xxii.,
374, 590.

House Jour-
nal, pp. 63, 64,
134, 137, 148, 149,
151, 327. Prov-
ince Laws,
xiv., 193, chap.
146. *Infra*,
chap. 316.

A PETITION of Thomas Sparhawk and others Inhabitants of that part of Cambridge lying on the South side of Charles River setting forth, That by reason of the difficulties they Labour under in attending the public Worship with the Inhabitants on the North side of said River, they have built a Meeting house & for fourteen years past, supported the preaching of the Gospel there, save about ten or eleven pounds p Annum allow'd for that purpose by the first parish in said Town, And praying that they may be enabled to Settle and Support a Minister among themselves.

Read together with the Answer of the Town of Charlestown, as also of the Inhabitants of said Town more immediately concerned And

Ordered that the further Consideration of the same be referred to the second Wednesday of the next May Session. [*Passed April 13.*¹

CHAPTER 316.

ORDER OF NOTICE WITH STAY OF ALL PROCEEDINGS ON THE PETI-
TION OF THO^s SPARHAWK & OTHERS TO BE EXCUSED FROM A TAX.

Legislative
Records of the
Council, xxii.,
590.

House Jour-
nal, pp. 270, 327.
Supra, chap.
316.

A PETITION of Thomas Sparhawk and others, Inhabitants on the South side of Charles River in Cambridge praying to be freed from a Tax of One hundred pounds laid upon them towards building the New Meeting house on the North side of the River, and from other Charges that have arisen or may arise upon Account of said House.

Read and

Ordered That the petitioners serve the first parish in Cambridge with a Copy of this petition, that they shew cause if any they have on the second Wednesday of the next May Session why the prayer thereof should not be granted, and that all proceedings respecting the Levying and Collecting the Tax laid upon the Inhabitants of Cambridge living on the South side of Charles River towards building the New Meeting house in said Town be suspended in the mean time. [*Passed April 13.*¹

CHAPTER 317.

ORDER GRANTING TO SAMUEL BASS, JR., LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxii.,
591. Mass.
Archives, cxl.,
447.

A PETITION of Samuel Bass jun^r of Braintree, setting forth, That he hath lately purchased the House where M^r Thomas Crosbey hath been Licenced for Twenty years past to keep a Tavern and praying that the Court of General Sessions of the peace now Sitting in

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is April 12.

Boston may be impowered to grant him a Licence for the same purpose.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Suffolk be allowed at their present sessions to grant the Pet^r a Licence &c He first obtaining the Approbation of the select men of the Town of Braintree for that purpose. the time for granting Licences being elapsed notwithstanding. [*Passed April 13.*]

Mass.
Archives, cxl.,
446. House
Journal, p. 325.

CHAPTER 318.

ORDER GRANTING TO NATH^l PEASE LICENCE TO KEEP AN INN.

A PETITION of Nathaniel Pease, praying that the Court of General Sessions of the peace for the County of Hampshire may Be impowered at their Session in May next to grant him a Licence to keep a Tavern at Blandford in the House where Hewit Root hath for some time past been Licenced for the same purpose.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Hampshire be allowed to grant the Pet^r a Licence to keep Tavern &c at their session in May next. He first obtaining the Approbation of the select Men of Blanford for that purpose; the time for granting Licences being elapsed notwithstanding. [*Passed April 13.*]

Legislative
Records of the
Council, xxii.,
591. Mass.
Archives, cxl.,
445.

House Jour-
nal, p. 325.

CHAPTER 319.

ORDER IMPOWERING DAVID OSGOOD, ADM^r, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of David Osgood of Lancaster Administrator of the Estate of William Brabrook of said Lancaster, setting forth, That the deceaseds personal Estate will not pay his just debts, That he had Fifty Acres of Land in Lancaster, and had not long before he died given a deed of Forty seven Acres thereof to Benjamin Houghton in consideration of the Sum of Eighty pounds, being but little more than half the Worth thereof; but that said Houghton is willing, if he can have his Money again, and the Costs he has been at paid him to relinquish his Bargain; That said Brabrook had likewise about Forty Acres of Land in Bolton And praying that he may be enabled to sell the said Forty Acres, and also to settle with said Benjamin Houghton as to the other Forty seven Acres lying in Lancaster.

Read and

Ordered that the Pet^r in his capacity within mentioned be and he hereby is authorized and impowered to make sale of the forty acres of Land mentioned lying in Bolton. and so much of the fifty Acres of land lying in Lancaster (taking it off where it will least prejudice the remainder) as to pay the Debt due to Benjamin Houghton, and the other Just Debts of the Deceased. And to make and execute a good and sufficient Deed or Deeds of the same to the Purchaser His Heirs and Assigns He observing the directions of the Law

Legislative
Records of the
Council, xxii.,
592. Mass.
Archives,
lxxviii., 385.

Mass.
Archives,
lxxviii., 383.
House Jour-
nal, pp. 323, 324.
Province
Laws, ii., 151,
chap. 10.

respecting the sale of real Estates by Exeu^{rs} and Adm^{rs} and giving sufficient caution to the Judge of Probate for the County of Worcester that the produce arising by said Sale shall be applied for the payment of the Deceased's Debts as herein mentioned. and the overpluss if any there be to be distributed agreeable to Law. [*Passed April 13.*]

CHAPTER 320.

ORDER ALLOWING £1. 14. 4 TO PHIN^s WILLARD.

Legislative
Records of the
Council, xxii.,
593. Mass.
Archives,
lxxviii., 332.

Mass.
Archives,
lxxviii., 331.
House Jour-
nal, p. 324.

A PETITION of Phineas Willard of Harvard praying to be reimbursed the Expence of his Journey to Sheffield in order to bring home his Sick Son, a Soldier in the pay of the province, but who died at said place.

Read and

Ordered that there be paid out of the publick Treasury to Cap^t Richardson for the Use of the Pet^r One pound fourteen Shillings and four pence in full. [*Passed April 13.*]

CHAPTER 321.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS SOLDIERS WHO SUBSISTED THEMSELVES ON THEIR RETURN HOME.

Legislative
Records of the
Council, xxii.,
593. Mass.
Archives,
lxxviii., 435.

House Jour-
nal, pp. 324, 325.
Ante, p. 154,
chap. 356.

Resolved, That there be allowed and paid out of the publick Treasury to the Soldiers employed in the last Expedition in 1758. who subsisted themselves upon their Return home from the Army as follows. Viz^t Those belonging to the County of Hampshire Thirteen Shillings and six pence each: To those belonging to the County of Essex Twenty one Shillings each: To those belonging to the County of Worcester Sixteen shillings and six Pence each.

To those belonging to the County of Plymouth Twenty five Shillings each.

To those belonging to the County of Bristol Twenty four Shillings each.

To those belonging to the County of Suffolk and the County of Middlesex Twenty Shillings each.

and to those belonging to the County of Barnstable Twenty six Shillings and six Pence.

And to those belonging to the County of York Twenty eight Shillings and six Pence each.

And those Persons who received any Support on the Government's Account upon their said Return to make Oath before the Treasurer of the Province, or a Justice of the Peace how much they received on the Government's Account. And if they received nothing on the Government's Account to make Oath to the same as aforesaid, either before the said Treasurer or a Justice of the Peace. [*Passed April 13.*]

CHAPTER 322.

ORDER IMPOWERING LYDIA MOORE, ADM^x, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Lydia Moores Administratrix of the Estate of her late Husband Increase Moores late of Worcester deceased, setting forth, That her said Husbands Estate Real and personal will but little more than pay his debts and the usual Allowance to Widows, and the Charge of Administration That the Superiour Court (to whom it belongs to take Cognizance of such matters) will not sit till September next That She is apprehensive of several Actions being brought against the Estate at the next Term Court for the County of Worcester and to prevent Charge praying that She may be enabled to make Sale of the Real Estate of the deceased lying in Pequoiag for the payment of Debts &c

Legislative
Records of the
Council, xxii.,
594.

House Jour-
nal, p. 332.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the prayer of this petition be granted, and the petitioner is hereby empowered in her Capacity as Administratrix to make Sale of the Lands abovementioned for the most the same will fetch, making due publication of the time and place of Sale agreeable to the Law empowering Executors And Administrators making Sale of Real Estates; and to execute a good deed or deeds for conveying the same; She giving sufficient Bond to the Judge of Probate for said County to Account for the money arising by such Sale, and after the debts and usual Charges are paid, the Residue, if any be, be applied as follows, Viz^t the use of one third part to the petitioner during Life, the Remainder to be divided among the Children of the deceased according to Law, and at the death of the petitioner, such part as She is to enjoy the use of till her death be also divided among said Heirs agreeable to Law. [*Passed April 16.*]

CHAPTER 323.

ORDER IMPOWERING SARAH WILSON, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Wilson, Administratrix of the Estate of her late Husband Nathaniel Wilson late of Leicester deceased setting forth, That her said Husbands personal Estate is not sufficient to pay his debts That his Real Estate consisting of about Sixty Acres of Land was Apprized at £147 That when a part is Sold to pay debts, the remainder can be but of little benefit divided among his seven Children, And praying liberty to Sell the whole, She to be Accountable.

Legislative
Records of the
Council, xxii.,
595.

House Jour-
nal, pp. 339, 340.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the prayer of this petition be granted, and She is hereby fully empowered in her Capacity to make Sale of the Real Estate of the deceased for the most the same will fetch, and to execute a good deed or deeds in The Law, for Conveying the same, She making due publication of the time and place of Sale; and giving sufficient Bond to the Judge of Probate for the County of Worcester to be Accountable for the Money arising by such Sale, that the

Income or Use of one third part thereof be applied for the use of the petitioner during Life, and that after the just debts are paid the Overplus be divided among the Heirs of the deceased according to Law, and that at the death of the petitioner, such part as the Use thereof may be assigned to the petitioner be also divided among the Heirs according to Law. [*Passed April 17.*]

CHAPTER 324.

RESOLVE RATIFYING A VOTE OF THE PROPRIETORS OF HOLDEN IN REGARD TO A TAX.

Legislative
Records of the
Council, xxii.,
596.

House Jour-
nal, pp. 326, 333.
Province
Laws, ii., 941,
chap. 6.

A PETITION of Samuel Pearce and others, proprietors of the Common and Undivided Lands within the Town of Holden praying that a Tax which they had voted upon sundry Lands therein described may be ratified by an Order of this Court.

[Read and]

Resolved That the Vote of said proprietors of January, 1755. be ratified and confirmed and that Mess^{rs} Samuel Pearce, Bezaleel Fisk and John Child be and they hereby are fully impowered a Committee to collect and recover of the delinquent Proprietors according to Law all such Sum or Sums in any Assessment made by Col^o Henschman, Eliakin Hutchinson Esq^r and Capt. Flagg Assessors as therein named, pursuant to the Votes of the said proprietors; And that the said Capt. Joseph Hubbard and M^r Jon^a Lovell the former Collectors be directed and required to deliver the said Samuel Pearce, Bezaleel Fisk and John Child the Lists of Assessment that they have received from the aforesaid Assessors together with a true List of the Names of the persons that are Delinquents in their several Lists of Assessments; They the said Committee observing the directions of the Law in all things relating to the Sale of Lands in New Townships, and to be Accountable for the Money they shall receive of any delinquent proprietor, by virtue of the said Assessments. [*Passed April 17.*]

CHAPTER 325.

VOTE THAT THE SURGEONS OF CANADA EXPEDITION ACCOUNT WITH THE COMMISSARY GENERAL FOR MEDICINE CHESTS & INSTRUMENTS RECEIVED BY THEM.

Legislative
Records of the
Council, xxii.,
596. Mass.
Archives,
lxxviii., 452.

House Jour-
nal, pp. 319, 334.
Ante, p. 335,
chap. 300.

Voted that the several Chirurgeons employed in the present Expedition against Canada shall Account with the Commissary Gen^l upon Oath that the several Medicines they recieved were expended by them for the service of the present Expedition & that they return their Chests with the Medicines remaining together with their Instruments (if they recieved any) into the Commissary Gen^l's Office before He gives a Certificate for their recieving their Wages out of the Treasury; and that the two Chests of Medicines for the Use of the Forces employed Westward be enlarged to the value of £70 each. [*Passed April 17.*]

CHAPTER 326.

ORDER ALLOWING £14.8 TO THO^S HOOLE.

A PETITION of Thomas Hoole, setting forth That he inlisted the last year in his Majesty's Service and pay of this province for the Canada Expedition, proceeded to Schenectady and continued in the Service to 13 September, when he obtained a Furlough to come home, And that he has received neither Wages nor Billeting, nor is he made up in any Muster Roll And praying Relief.

Read and

Ordered that the sum of fourteen pounds eight shillings be paid the Pet^r out of the Treasury in full consideration for his services within mentioned. [*Passed April 17.*]

Legislative
Records of the
Council, xxii.,
597. Mass.
Archives,
lxxviii., 444.

Mass.
Archives,
lxxviii., 442.
House Jour-
nal, pp. 326, 333.

CHAPTER 327.

ORDER ALLOWING £6.5 TO HOPESTILL BRADLEY.

A PETITION of Hopestill Bradley of Braintree, setting forth That he was last year a Soldier in the province pay, and did duty at Herkerman's Fort, and continued in the province Service till the 2^d of November, but is not made up in any Roll And praying Relief.

Read and

Ordered that the sum of Six pounds five Shillings be paid the Pet^r out of the Treasury in full consideration for his Services above-mentioned. [*Passed April 18.*]

Legislative
Records of the
Council, xxii.,
598. Mass.
Archives,
lxxviii., 424.

House Jour-
nal, pp. 178, 327,
333.

CHAPTER 328.

VOTE ALLOWING £5.10 TO ESTHER JONES.

A PETITION of Esther Jones, Widow of Seth Jones late of Mendon deceased while in the pay of this province as a Soldier the last year praying an Allowance of the Charge She was at in sending a Man to take care of him in his Sickness, and for fifteen days he was made up short in the Muster Roll.

[Read and]

Voted That there be allowed & paid out of the Publick Treasury to the Pet^r the Sum of Five pound & Ten Shillings in full Consideration. [*Passed April 18.*]

Legislative
Records of the
Council, xxii.,
598. Mass.
Archives,
lxxviii., 264.

Mass.
Archives,
lxxviii., 263.
House Jour-
nal, p. 334.

CHAPTER 329.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
598.

Mass.
Archives,
lxxviii., 66, 80,
103, 122, 140, 141,
143, 144, 145, 148,
181, 182, 204, 260,
266, 366, 368, 390,
393, 395, 400, 402,
404, 409, 416, 418,
419, 434, 448, 633.
House Jour-
nal, p. 328.

Voted That Three pounds be paid out of the publick Treasury to Samuel Niles Esq^r for the Use of Mary Hayden, and Forty shillings for the Use of John Tower, To M^r Humphreys for the Use of Susanna Dyer, Two pounds fourteen shillings; To M^r Isaac Temple for the use of Joseph Smith, Three pounds nineteen shillings and two pence; To Col^o Buckminster for the Use of John Matthis Two pounds five shillings; To Col^o Clap for the Use of Ezra pitcher £3.18.8. To M^r March for the Use of Philemon Barker £1.10 And for the Use of Ebenezer Barker £2 and for the Use of Jonathan Currier £1.5.6. To Capt. Perry for the Use of Joseph Twitchell £2 And for the Use of Samuel Lovering £3 and Use of Paul Morse £5.10. To M^r John French for the Use of Abigail Albee £4.6 To Col^o Buckminster for the Use of Hananiah Parker £3.5 and for the use of Daniel Haven £3 To M^r Solomon Prentice for the Use of Stephen Prentice £1 And for the Use of Robert Leathe £3.1.3. And for the Use of Ephraim Lyon £1.16 To M^r Porter for the Use of Jonathan Torrey £3.10. and for the Use of Jacob Foord £3.16.8. and for the Use of Samuel Poole £3.15 To M^r March for the Use of Samuel Merrel £4 To Capt. Bacon for the Use of William Crocker £3 To Abel Shurtleff £3.10. To Col^o White for the Use of Joseph Macomber £5.2 To M^r Fletcher for the use of David Osgood £2.8 To M^r Herrick for the use of Jonathan Biles £6.19 To M^r Giddings for the use of Ebenezer Porter £4 and for the use of Jacob Dodge £2.8.6 To Doct^r Sawyer for the Use of David Perkins £4 To Capt. Adams for the Use of John Carpenter £2. To Capt. Chadburne for the Use of Aaron Goodwin £2.6 To Capt. Perry for the Use of Abel Holbrook £1.4. To Col^o Gerrish for the Use of Samuel Lunt £6.10 To M^r Noble for the Use of Daniel Sackett £3.10 To Capt. Walker for the Use of Lucas Wilson £5 To Major Reed for the Use of Peter Reed £4. To Capt. Chadburne for the Use of Lucy Frost £3. [*Passed April 18.*]

CHAPTER 330.

VOTE ALLOWING £4.1 TO SETH STAPLE.

Legislative
Records of the
Council, xxii.,
599. Mass.
Archives,
lxxviii., 450.

House Jour-
nal, pp. 329, 334.

A PETITION of Seth Staples of Taunton praying an Order for his Servant Levi Sampson's Wages from 13th September to 1st November he having been made up so much short in the Muster Roll

[*Read and*]

Voted that there be paid out of the Publick Treasury to Coll White for the use of Seth Staple the Sum of four pounds one Shilling in full for his Servant^s Levi Samsons wages while in the Service. [*Passed April 18.*]

CHAPTER 331.

ORDER CONFIRMING A PLAT OF 190 ACRES OF LAND TO JOSEPH BARKER.

JOSEPH BARKER of Westfield having presented a plan of One hundred and Ninety Acres of Land granted him by the Great and General Court in April. 1758. bounded on all sides on the unappropriated Lands of the province in the County of Hampshire.

Ordered That the within plan be Accepted, and the Lands herein delineated and described be and they hereby are confirmed to the within named Joseph Barker his Heirs and Assigns, he performing the Conditions of said Grant provided the plan exceeds not the Quantity of One hundred and ninety Acres, and does not interfere with any former Grant. [*Passed April 18.*]

Legislative
Records of the
Council, xxii.,
600.

House Jour-
nal, p. 248 *bis.*
Ante, p. 188,
chap. 434.

CHAPTER 332.

ORDER ALLOWING PAY AND SUBSISTENCE TO FOURTEEN MEN OF NEW CASTLE.

A MEMORIAL of James Hodge of New Castle, setting forth the exposed State of said place, which by reason of its defenceless State is reduced in the number of its Inhabitants from one hundred fighting Men to about Forty in the space of one year; And praying Relief.

Read and

Ordered that Pay and Subsistence to the 25th of June next be granted for fourteen men of the Inhabitants of the Town within named. One of them to be a Sarjent. And that the Captain General be desired to give Order that said men be employed in Scouting on the Frontiers of said place for the Protection of the Inhabit^{ts} of said Town. [*Passed April 18.*]

Legislative
Records of the
Council, xxii.,
601. Mass.
Archives,
cxvii., 470.

Mass.
Archives,
cxvii., 466-470.
House Jour-
nal, pp. 331, 341.

CHAPTER 333.

VOTE IMPOWERING THE SELECTMEN OF ROXBURY TO CALL A TOWN MEETING.

A PETITION of Edward Weld and others of Roxbury, Setting forth, That at their Anniversary Town Meeting in March last, a Vote was obtained by a Majority of one to prevent Swine going at large in said Town; That the day on which the said Meeting was held was very Stormy, and the Meeting very thin; those persons who live at a distance from the place of Meeting, and who are principally affected by said Vote, having been prevented by the Storm giving their Attendance And praying that an Order may pass this Court for the reconsidering said Vote at the May Meeting.

Read &

Voted That the Prayer of this Petition be granted, and that the Vote Therein Mentioned respecting the Shutting up Swine be Set a Side, and that the Selectmen of Roxbury be Impowered to Call

Legislative
Records of the
Council, xxii.,
601. Mass.
Archives,
cxvii., 462.

Mass.
Archives,
cxvii., 462-465.
House Jour-
nal, p. 339.

a Town meeting of the Inhabitants of Roxbury who are Quallified according to Law to Vote in Town affairs, and that the Inhabitants when so met may Pass Such Vote or Votes respecting Swine runing at Large in the Town of Roxbury the Ensuing year as they Shall think proper, which Votes Shall be Esteemed Valled in Law. [*Passed April 18.*]

CHAPTER 334.

ORDER IMPOWERING MARY BROWN, ADM^x, TO EXECUTE DEED OR DEEDS UNDER CONDITIONS.

Legislative
Records of the
Council, xxii.,
602.

House Jour-
nal, pp. 326, 334.

A PETITION of Mary Brown Widow and Administratrix of the Estate of her late Husband John Brown jun^r of Ipswich deceased setting forth, That the said John Brown and his Brothers Joseph Brown and Nathan Brown more than twenty years ago jointly purchased a Tract of Land containing about Thirty Acres, and soon after the purchase made an equal division of the same, fenced and ever since improved it accordingly but as no deeds of division passed between them praying that She may be impowered on the part of her said Husband to execute such deeds, and to receive the like from the said Joseph and Nathan.

Read and

Ordered That the within named Mary as Administratrix be and She is hereby impowered to make and execute a good deed or deeds of Quit Claim unto Joseph and Nathan Brown of the Right and Interest that her said Husband had in the Lands that fell to them by the Division herein mentioned, upon their Acquitting to the Heirs of the said deceased their Right and Interest in those parts of the same Lands that fell to their Father according to the division aforesaid. [*Passed April 18.*]

CHAPTER 335.

VOTES AND RESOLVES IN REGARD TO ESTABLISHMENT OF WAGES FOR 1,500 MEN.

Legislative
Records of the
Council, xxii.,
603. Mass.
Archives,
lxxviii., 457.

Legislative
Records of the
Council, xxii.,
589, 590, 602.
House Jour-
nal, pp. 335, 336.
Province
Laws, iv., 241,
note. *Ante*,
p. 307, chap.
240; p. 312,
chap. 245;
p. 313, chap.
247.

WHEREAS the extraordinary Efforts of this Province for His Majesty's Service ever since the Commencement of the Rupture with France, more especially in the last Campaign, have reduced it to such an exhausted and distressed State that the Province could not without great Difficulty raise the five Thousand Men it has already raised; and that another Impress this Year would be of ruinous and fatal Consequence.

Therefore,

Voted and

Resolved, That so many Men as with their Officers will make up fifteen Hundred be raised by voluntary Inlistments if they can be so procured, but not otherwise; that each able bodied effective Non-Commissioned Officer and private Soldier who shall inlist into his Majesty's Service in the Expedition against Canada on or before the tenth Day of May next shall on his passing Muster by such Person whom his Excellency the Governour shall appoint in the Regiment

to which they belong, be intitled to receive as Bounty two Treasurer's Notes, one of Six Pounds payable with Interest on the second Day of June one Thousand Seven Hundred and sixty, and one of eight Pounds payable with Interest on the second Day of June one Thousand seven Hundred and sixty one; together with a Blanket, Knapsack, Canteen or Wood Bottle and other Articles in the like Proportion as have been allowed to the 5,000 already voted by this Court.

Also

Voted and Resolved, That the following Establishment be made for the Officers and Private men that may be raised in Consequence of the above Resolve. *Viz*^t

For one Colonel for said fifteen Hundred Men	£25.	0.	0	per Month.
For one Lieutenant Colo for said Regiment	16.	13.	4	Ditto
For one Major to Ditto	13.	6.	8	D°
For a Captain of fifty Men including Officers	9.	0.	0	D°
For two Lieutenants for such Company, Each	5.	0.	0	D°
For one Ensign for Ditto	3.	10.	0	D°
For one Chaplain for each Regiment if a settled Minister and leaves his congregation	10.	0.	0	D°
For a Minister not settled, ...	8.	0.	0	D°
For one Chirurgeon to Ditto	10.	0.	0	D°
For two Chirurgeon's Mates to Ditto, Each	5.	6.	8	D°
For one Adjutant	4.	0.	0	D°
For one Quarter Master to D°	5.	0.	0	D°
For each Sergeant	2.	3.	1	D°
For each corporal, ...	1.	18.	7	D°
For two Drummers, Each	1.	18.	7	D°
For each Private, ...	1.	16.	0	D°

Also further

Resolved, That all other Allowance be granted to the Officers and Men now to be raised as has been granted to them already raised, and that they be continued in the Service for a Time not exceeding the first Day of November next; and to be dismissed as much sooner as His Majesty's Service will admit.

Also

Resolved, That his Excellency the Governour be desired in issuing his Commissions, to grant them to such Persons (as being otherwise qualified) and being Inhabitants of this Government, shall inlist the greatest Number of Men.

Also

Resolved; That the following Establishment be made, *Viz*^t

For one Gunner for the Forces going to Penobscot	£5.	0.	0	per Month.
For one Quarter Gunner for Ditto	2.	10.	0	Ditto.
For one Quarter Master for each of the Regiments going Westward	5.	0.	0	Ditto.
For a Commissary for Ditto, ...	8.	0.	0	Ditto.
for a Commissary for the Regiment Destined to Louisbrough	8.	0.	0	D°
for Three Commissarys for the forces Destind for Nova Scotia viz ^t one to be at Hallifax one at Fort Cumberland & one at Anapolis Each which Commissarys are to have the Care of issuing out the Hospital Stores	8.	0.	0	D°

Also

Resolv'd that those persons, who shall be appointed commissaries for the intended expedition the present year, shall not on any pretence whatsoever supply the forces with any stores of any kind but what they receive from the Governmēt. And if any of said commissaries shall supply the s^d forces in any other way than as afores^d he shall not be entitled to any wages from the Government nor be made up in any pay roll whatsoever. [*Passed April 18.*]

Legislative
Records of the
Council, xxii.,
609. Mass.
Archives,
lxxviii., 456.

House Jour-
nal, pp. 342, 343.
Province
Laws, iv., 242,
note; xv., 367,
chap. 97.

CHAPTER 336.

VOTE ALLOWING 3/ PER MAN ADDITIONAL TO OFFICERS ENLISTING MEN.

Voted that three shillings be allowed in addition to the three already pass'd as a Premium to the Enlisting Officers for raising Men &c. [*Passed April 18.*]

CHAPTER 337.

Legislative
Records of the
Council, xxii.,
624. Mass.
Archives,
lxxviii., 462.

House Jour-
nal, p. 347.
Ante, p. 348,
chap. 335.

RESOLVE ALLOWING £2 PER MONTH ADDITIONAL TO COMMISSARY AT LOUISBOURGH AND THE SAME ADDITIONAL ALLOWANCE TO THE COMMISSARIES WITH THE FORCES GOING WESTWARD.

Resolved that there be an allowance of two pounds per Month in addition to the Eight pounds already Voted to the Commissary¹ who may be employed at Louisburg and also the same allowance to those that may be employed in the Forces going Westward. [*Passed April 19.*²]

CHAPTER 338.

ORDER ALLOWING £6 TO ISAAC STEVENSON.

Legislative
Records of the
Council, xxii.,
609. Mass.
Archives,
lxxviii., 57.

Mass.
Archives,
lxxviii., 57.
House Jour-
nal, pp. 276, 343.

A PETITION of Isaac Stevenson of Pelham in the County of Hampshire; praying an Allowance of his Expences while Sick in the Service of this Government as a Soldier in the last Years Expedition, and of the Charge of his Return home.

Read and

Ordered that the sum of Six pounds be paid out of the Treasury to Col^o Dwight for the use of the Pet^r in full for the expences within mentioned. [*Passed April 19.*]

CHAPTER 339.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SAM^l TALBOT TO REVIEW AN ACTION.

Legislative
Records of the
Council, xxii.,
609.

House Jour-
nal, p. 346.

A PETITION of Samuel Talbot of Dighton in the County of Bristol setting forth That George Pitts of Dighton aforesaid brought an Action of Ejectment against him for his Dwelling house and about Four Acres of Land, that he employed an Attorney to defend said Action, who suffered it to go against him by default, and appealed it to the Superiour Court where it also went against him, And praying liberty to review said Action.

Read and

Ordered That the petitioner serve the adverse party with a Copy

¹ *Sic.*

² This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 24.

of this petition, that he shew cause (if any he hath) on the second Wednesday of the next Sitting of this Court, why the prayer thereof should not be granted, and Execution within mentioned is stayed in the mean time. [*Passed April 19.*]

CHAPTER 340.

VOTE ALLOWING £5 PER MONTH ADDITIONAL TO BRIGD^B RUGGLES'S PAY.

Legislative Records of the Council, xxii., 609.

Voted That Five pounds p Month be added to the Wages already granted to Brigadier General Ruggles for the Service of the ensuing Campaign against Canada. [*Passed April 19.*]

House Journal, p. 346.
Ante, p. 348, chap. 335.

CHAPTER 341.

ORDER ALLOWING £3 AND VOTE FOR A FURTHER ALLOWANCE OF £3 ANNUALLY TO DANIEL POOR.

A PETITION of Daniel ¹ Poor of Boston, setting forth, That being a Soldier in the Expedition against Louisbourg in 1745. he received a Wound in his Shoulder, which for a long time disabled him from Working for a Livelihood in Consideration whereof the General Court then made him a Grant; That his Wound has lately broke out afresh and put him under the same incapacity of Working; And praying Relief.

Legislative Records of the Council, xxii., 610. Mass. Archives, lxxviii., 370.

Read and

Ordered that three pounds be allowed to be paid out of the public Treasury to the Pet^r in consideration of his Sufferings within mentioned Also

Mass. Archives, lxxviii., 369. House Journal, pp. 334, 347. Province Laws, xlii., 531, chap. 172.

Voted that the Pet^r be allowed annually three pounds till the further Order of this Court. [*Passed April 19.*]

CHAPTER 342.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PAYQUAGE AFFAIR, CONFIRMING SUNDRY LANDS, RETURNING DIVERS PAYMENTS AND DIRECTING DELIVERY OF BONDS, &c., TO PROVINCE TREASURER.

THE COMMITTEE appointed the 28th March last to take under Consideration the Report of a Committee on the Affairs of Pequoia^g, made the following Report Viz^t

Legislative Records of the Council, xxii., 611. Mass. Archives, cxvii., 414.

That the Ten Acre, Twenty Acre and half the Thirty Acre Lots of the Right originally proposed for Moses Dickinson (which said Dickinson sold to one Phinehas Pratt and said Pratt to one John Parmeter) should be granted and confirmed to said Parmeter his Heirs and Assigns; and that the Residue of said Right be granted to said Dickinson his Heirs and Assigns.

Mass. Archives, cxvii., 413. Legislative Records of the Council, xxii., 577. House

¹ The House Journal, pp. 334, 347, reads, “*David.*”

Journal,
pp. 317, 343, 344.

That the Right originally proposed for James Fay (transferred by said Fay to one Abner Lee) having been sold to John Worthington Esq^r for Fourteen pounds lawful money, by reason of said Lees refusing to pay the Taxes thereon, and to give Bond for the Settlement of said Right, be granted to the said Worthington, his heirs and assigns, That so much of said fourteen pounds as shall be necessary be applied to the payment of the Taxes due on said Right, And that the Residue be paid to the province Treasurer for the use of the province, for which said Worthington has given Security; he has also given Bond for the performing a Settlement on said Right, as in other like cases required.

That John Chandler Esq^r and others employed in the Affairs of Pequoiag, and who made the Report aforesaid be permitted to pay back to Samuel Finney Ten pounds Six shillings and eight pence for the reasons mentioned in their said Report, And that they be permitted also to pay back to Joseph Smith or to said Smiths Heirs alike Sum for the same reason.

That the Bonds abovementioned, and all the Securities in the hands of Col^d Chandler and others aforesaid, which have been given in consequence of their being appointed to Settle the Affairs of Pequoiag aforesaid be delivered to the province Treasurer; And that the Treasurer be directed to see that they be paid, and the conditions of them fulfilled as soon as may be.

Read and

Order'd that this report be accepted and that the Lands therein refer'd to be and they hereby are granted and confirmed to the respective persons In said report mentioned their heirs and assigns: and the Committee employed in the affairs of Pequoiage are hereby permitted to pay back to Samuel Finney ten pounds six shillings & eight pence and a like sum to Joseph Smith or his heirs for the reason mentioned in their Report.

Also *Order'd* that all the bonds and securities in the hands of said Committee which have been given in consequence of their being appointed to settle the affairs of Pequoiage be delivered to the Province Treasurer: and the Treasurer is hereby directed to See that they be paid, And the conditions of them fulfilled as soon as may be.
[*Passed April 20.*]

CHAPTER 343.

ORDER DIRECTING AARON WILLARD TO ATTEND THIS COURT TO ANSWER CHARGES, &c.

In the House of Rep^{ues}

It appearing to this House, that Aaron Willard of Lancaster received a Lieutenant's Commission in Captain Caleb Willard's Company and that while in the Service, the said Aaron Willard was made a Captain of a Company in a Battalion of Light Infantry: but as there was no Establishment for the Pay of Officers in the Light Infantry, Captain Caleb Willard made up the said Aaron as a Lieutenant in his Pay Roll, and Nathaniel Willard as an Ensign; and that the said Aaron has made up a Roll for the Pay of his Company in the Light Infantry, and has also carried out his own Pay as Captain from the 30th of March to the 30th of October, and has also made up Nathaniel Willard as a Lieutenant on the same Roll:

Legislative
Records of the
Council, xxii.,
612. Mass.
Archives,
lxxviii., 466.

House Jour-
nal, pp. 340, 342,
347.

and that the said Aaron Willard has received of the Treasurer his full Pay as Captain amounting to the Sum of £70.5.9; and that he has also received the Sum of £12.6.8 in Part of his Lieutenant's Pay on Caleb Willard's Roll;

Therefore,

Voted, That the said Aaron Willard be ordered to attend this Court forthwith to answer to what is alledged against him; and that the Treasurer be directed to stop any further Payment to the abovesaid Aaron and Nathaniel.

In Council Read and Concurred. [*Passed April 20.*]

CHAPTER 344.

VOTE DIRECTING COL^O JOSEPH GERRISH TO PROVIDE FIVE MEN IN PLACE OF FIVE MEN WHO BY MISTAKE ENLISTED ON THE KING GEORGE.

WHEREAS Five Men in the Regiment under the Command of Col^O Joseph Gerrish, who inlisted in the General Service, and did not receive the Bounty granted by this province, did through a Mistake inlist on board the Ship King George, and inasmuch as said Ship must be speedily Manned; Therefore

Voted That Col^O Gerrish be required to furnish five other able bodied Men for the General Service in their Room, and that a like Bounty be paid to such of said Men as shall engage in said Service before the first day of May next in province Notes of Eight pounds two shillings to such as have been in the Service and pay of this province in the years, 1755. 1756. 1757 or 1758. and of Six pounds to such as have not, the time for inlisting Men being elapsed notwithstanding. [*Passed April 20.*]

Legislative
Records of the
Council, xxii.,
613.

Mass.
Archives, lxx.,
575. House
Journal, p. 348.
Ante, p. 307,
chap. 240.

CHAPTER 345.

ORDER ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

WHEREAS the Superiour Court of Judicature, Court of Assize &c. is by Law to be holden at Barnstable in and for the County of Barnstable &c. on the first Tuesday of May next, and the Inferiour Court of Common pleas, and Court of General Sessions of the peace is to be holden by Law at said Barnstable on the second Tuesday of the same Month, by reason whereof great inconveniences will arise to the Husbandry in said County, at that buisy season of the year more especially as Labourers are so scarce by reason of such great Numbers being employed in his Majesty's Service, unless the said Inferiour Court of Common pleas and Court of General Sessions of the peace be adjourned Therefore

Ordered That the said Inferiour Court and Court of General Sessions of the peace be adjourned to the third Tuesday of September next; and that all Matters and Things that might have day at said Courts on the second Tuesday of May shall be heard and tried on the said third Tuesday of September next, and that all officers and other persons concerned in said Courts conform themselves accordingly. [*Passed April 20.*]

Legislative
Records of the
Council, xxii.,
613.

House Jour-
nal, p. 348.
Province
Laws, iii., 1050,
chap. 38.
Ante, p. 174,
chap. 406.

CHAPTER 346.

ORDER ALLOWING £2.8.11 TO CAPT. AARON FAY.

Legislative
Records of the
Council, xxii.,
613. Mass.
Archives,
lxxviii., 392.

Mass.
Archives,
lxxviii., 392.
House Jour-
nal, p. 349.

A PETITION of Capt. Aaron Fay of Southborough, setting forth, That he had in his Muster Roll by Mistake made up one Phineas Butler to the 3^d of October last when it should have been to the 10th of November, so that there was £2.8.11 due to him which the petitioner has paid him; And praying he may receive the same out of the Treasury.

Read and

Ordered that there be allowed and paid out of the publick Treasury to the Pet^r two pounds eight Shillings and eleven pence in full for the Wages due to Phineas Butler. [*Passed April 20.*]

CHAPTER 347.

ORDER ALLOWING £4.1.5 EACH TO FREEMAN HIGGINS, NATHANIEL ATWOOD, JUN^r, AND DAVID RICH.

Legislative
Records of the
Council, xxii.,
614. Mass.
Archives,
lxxviii., 465.

Mass.
Archives,
lxxviii., 463.
House Jour-
nal, pp. 332, 344,
345.

A PETITION of Freeman Higgins, David Rich and Nathaniel Atwood jun^r setting forth That they entered into his Majesty's Service the last year for the Canada Expedition, but were ordered for the Relief of George's Fort, and are made up in the Muster Roll upon the Garrison Establishment, which falls short of what they expected when they inlisted; And praying Relief.

Read and

Ordered that the Sum of four pounds One Shilling and five pence be paid the Pet^{rs} respectively out of the Treasury over and above the Sum at which they are already made up. in full for their service as Soldiers the last Year. And that the several Sums be paid to M^r Sylvanus Snow for the Use of the Pet^{rs}. [*Passed April 20.*]

CHAPTER 348.

VOTE DIRECTING THE COMMISSARY GENERAL TO PURCHASE STORES FOR THE ARMY.

Legislative
Records of the
Council, xxii.,
615.

House Jour-
nal, p. 349.

Voted That the Commissary General be directed to purchase and supply the Soldiers in the pay of this province with such Cloathing, Sugar, Molosses, Rum and other Necessaries as he may judge convenient from the best advices which he may receive from time to time of the Circumstances of the Army, and the said Supplies to be issued by such persons as may be appointed to Act as Sub Commissaries, at the prices which they may be set at by the said Commissary General, and in fixing the said prices to consider only the first cost, together with the Charge that necessarily accrues by the transportation and issuing the same; The sub Commissaries to issue the same, but not faster than their Wages become due, and keep fair Entries of all they deliver to each Soldier, the Amount of which shall be deducted out of their Wages on their respective Pay Rolls

at the end of the Campaign, and shall account upon Oath to the Commissary General in Settling their respective Accounts. [*Passed April 21.*]

CHAPTER 349.

ORDER ALLOWING £6 TO DAVID SHARROW.

A PETITION of David Sharrow of Rochester, setting forth That he inlisted the last year in his Majesty's Service and in the pay of this province for the Canada Expedition, That he lay Sick near a Month at Northampton, then proceeded to Westfield where he was dangerously ill for a long time; That when able to travel he returned home upon a Certificate of Doct^r Samuel Smith, And being made up in no Muster Roll; praying he may receive his Wages and be reimbursed the Charge of his Sickness;

Read and

Ordered that Six pounds be paid out of the publick Treasury to M^r Wing for the use of the Petitioner in full for his service within mentioned. [*Passed April 21.*]

Legislative
Records of the
Council, xxii.,
616. Mass.
Archives,
lxxviii., 221.

Mass.
Archives,
lxxviii., 220.
House Jour-
nal, pp. 326, 350.

CHAPTER 350.

ORDER ALLOWING £13. 16 TO JOSEPH ASHLEY, JUN^r.

A PETITION of Joseph Ashley jun^r of Rochester, setting forth, That he was impressed into the Service the last year by Capt. Edward Winslow, and proceeded to the Great Carrying place, and continued in the Service to the 1st of November, but being turned over from one Company to another, He is not made up in any Muster Roll; And praying Relief.

Read and

Ordered that the sum of thirteen pounds Sixteen Shillings be paid out of the publick Treasury to M^r Wing for the Use of the Petitioner in full for his Wages and Billeting Money within mentioned. [*Passed April 21.*]

Legislative
Records of the
Council, xxii.,
616. Mass.
Archives,
lxxviii., 330.

Mass.
Archives,
lxxviii., 329.
House Jour-
nal, pp. 338, 350.

CHAPTER 351.

ORDER ALLOWING DIVERS STOCKBRIDGE INDIANS TO SELL LAND.

A PETITION of Isaac Waunumpek, Johannes Mtockk jun^r Rhoda Quanpunwos and Sarah Dummekonwoh all of Stockbridge in the County of Hampshire; praying liberty to sell a Tract of Land containing about One hundred and sixty four acres lying in Stockbridge aforesaid at about two Miles distance from their Settlements, which Tract they received by exchange with the General Courts Committee for Lands in Sheffield.

Read and

Legislative
Records of the
Council, xxii.,
617. Mass.
Archives,
xxxiii., 92.

Mass.
Archives,
xxxiii., 91.
House Jour-
nal, pp. 341, 350.

Ordered that the Prayer of this Petⁿ be granted and that the Sale of the Land within mentioned be under the direction of Timothy Woodbridge Esq^r [*Passed April 21.*]

CHAPTER 352.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY JOANNA JOHNSON THE WAGES DUE HER HUSBAND.

Legislative
Records of the
Council, xxii.,
617. Mass.
Archives,
lxxviii., 408.

Mass.
Archives,
lxxviii., 408.
House Jour-
nal, p. 351.

A PETITION of Joanna Johnson; setting forth, That her Husband Brill Johnson inlisted into his Majesty's Service the last Spring as a Soldier in Capt. Nathan Tyler's Company and was at the Action at Ticonderoga and therein Wounded and the last Account She had of him was that he was sent in a Waggon to Albany from whence She concludes that he is dead, And praying that She may be empowered to receive the Wages due to him on the Muster Roll.

Read and

Ordered that the Treasurer be directed to pay to Joseph Buckminster Esq^r for the Use of the Pet^r the wages due upon Muster roll to her late Husband Brill Johnson within named. [*Passed April 23.*]

CHAPTER 353.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxii.,
618.

Mass.
Archives,
lxxviii., 49, 78,
93, 95, 151, 156,
319, 396, 397, 415,
421, 451. House
Journal, p. 351.

Ordered That the sum of £3 be paid out of the publick Treasury to Col^o Jones for the Use of Ichabod Stanley in full; To Col^o Noyes for the Use of Samuel Puffer £1.16 and for the use of William Rice £2.12.6 To M^r Turner for the use of John M^cIntyer £2.18 To Capt. Perry for the use of James Greenwood £2. To M^r Gould for the use of Phillip Kneeland £2.18 and for John Gould £6 To Capt. Sprout for the use of Obadiah Sampson £1.10 and for the use of Samuel Pratt £3. To Col^o Buckminster for the use of Samuel Barrett £4. and for the use of Thomas Mellen £5 To Capt. Coolidge for the use of Keziah Boyden £2.10. [*Passed April 23.*]

CHAPTER 354.

VOTE ALLOWING £1,200 TO THE COMMISSARY GENERAL FOR THE PURCHASE OF ARMS.

Legislative
Records of the
Council, xxii.,
619.

House Jour-
nal, p. 355.

Voted That the sum of Twelve hundred pounds supposed to be now in the Treasury by way of Stoppage for Arms not returned, be paid to the Commissary General in order to purchase Arms for the Service of the Government; And if any Sum shall remain in the Treasury after such draught made, it shall be applied by the said Commissary for the like purpose,

Voted also that all those persons who are possessed of publick Arms Be directed to return them on or before the first day of June

next as no Allowance shall be made for Arms returned after that time; And that publick Notice be given of this Order in the public prints accordingly. [*Passed April 23.*]

CHAPTER 355.

ORDER REFERRING THE PETITION OF PETER TRAHAN IN REGARD TO A WATCH.

A PETITION of Peter Trahan one of the late French Inhabitants of Nova Scotia, Setting forth that soon after his Arrival here he found a Silver Watch in the Road in the Town of Hanover near a House where one other of the said French people lived, and that he left it with the Woman of the House, as the readiest means for the Owner to come at it, and the Woman acknowledges the receipt of it; That a year and half afterwards Major House who had lost a Watch about the time this was found, and hearing the petitioner had taken one up, applied to him who related the whole affair to Major House, whereupon he Sued the petitioner and put him into Goal, where after having lain four days, he gave Major House a Note for Fifty pounds old tenor, rather than lie and perish there, That he is utterly unable to pay said Sum, And praying Relief.

Read and

Ordered that Samuel White Esq^r make inquiry into the Facts set forth in the within Petition and make Report at the Next May Session. [*Passed April 24.*]

Legislative
Records of the
Council, xxii.,
607. Mass.
Archives,
xxiv., 171.

Mass.
Archives,
xxiv., 170.
House Jour-
nal, p. 357.
Province
Laws, iv., 101,
note.

CHAPTER 356.

VOTE EXTENDING THE TIME FOR INLISTING THE 1,500 MEN.

Voted That the time for inlisting the Fifteen hundred Men which was determined by this Court to be on or before the 10th of May next, be further lengthned to the 17th of the same Month. [*Passed April 24.*]

Legislative
Records of the
Council, xxii.,
620.

House Jour-
nal, p. 355.
Province
Laws, iv., 243,
note. *Ante*,
p. 348, chap.
335.

CHAPTER 357.

ORDER ALLOWING THE USUAL ESTABLISHMENT FOR A GARRISON AT STOCKBRIDGE.

A MEMORIAL of Timothy Woodbridge Esq^r of Stockbridge, setting forth the exposed state of that Frontier Town, while near Fifty of their Men are gone into the Service; And praying for some protection.

Read and

Ordered that the Usual Establishm^t be allowed for one Saijant and Six privates from the time of their Enlistment till the 15th of June next and no longer. [*Passed April 24.*]

Legislative
Records of the
Council, xxii.,
620. Mass.
Archives,
cxvii., 472.

Mass.
Archives,
cxvii., 471.
House Jour-
nal, pp. 354, 356.
Ante, p. 328,
chap. 284.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 18.

CHAPTER 358.

ORDER ALLOWING £3 TO DANIEL BUSWELL [BUZZILL].

Legislative
Records of the
Council, xxii.,
620. Mass.
Archives,
lxxviii., 275.

Mass.
Archives,
lxxviii., 275.
House Jour-
nal, p. 356.

A PETITION of David Buzzill¹ a Soldier in the pay of the Province the last year in Col^o Preble's Regiment; praying an Allowance of the Charge of his Sickness more than Nine weeks at Albany, and of sundry other Expences occasioned thereby.

Read and

Ordered that the Sum of three pounds be paid out of the Treasury to Cap^t Milliken for the Use of the Pet^r in full. [*Passed April 24.*]

CHAPTER 359.

RESOLVE DESIRING THE GOVERNOR TO DIRECT THE COLONELS TO MAKE RETURNS OF THE NUMBER OF QUAKERS IN THEIR REGIMENTS.

Legislative
Records of the
Council, xxii.,
622. Mass.
Archives, xiv.,
121.

House Jour-
nal, pp. 340, 341.
Province
Laws, iv., 237,
note.

In the House of Rep^{ves}

The House took under consideration the Letter laid before them by Order of His Excellency the Gov^r from Ezra Richmond Esq^r respecting Quakers. &c pass'd the following Vote Viz

Resolved that His Excellency the Gov^r be desired to direct the Colonels of the several Regiments wherein there are Quakers, to make return into the Secretary's Office (as soon as may be) of what number of Quakers there were belonging to each Town in their respective Regiments at the time of the Levies the last and present Year what the Proportion of each of such Towns then was of Quakers to the 7,000 men then to be rais'd; what Men they hired in Lieu of the Quakers, and for what Towns respectively and what they gave to the men so hired.

Also as soon as may be to make a return to the Secretary's Office what number of Quakers there were in each respective Town within their respective Regiments at the time of the making the last Levies and what the proportion of Quakers to each Town (wherein there are Quakers) was to such Levies; and what they gave to the Men so hired

In Council

Read and Concurd. [*Passed April 24.*]

CHAPTER 360.

ORDER ALLOWING £4. 15. 1 TO JOHN ROPES, 3RD.

Legislative
Records of the
Council, xxii.,
622. Mass.
Archives,
lxxviii., 83.

House Jour-
nal, pp. 120, 351,
352.

A PETITION of John Ropes 3.^{ti}^{us} of Salem, setting forth That his Servant Johnathan Morrison was a Drummer in Capt. Tapley's Company and was taken at Fort William Henry and carried to France where he died about the 16 February. 1758. That he is made up in the Muster Roll for pay only to the 9th of August. 1757. And praying a further Allowance.

¹ The House Journal, p. 356, reads, "*Daniel Burrell.*"

Read and

Ordered that the prayer of this Petⁿ be so far granted as that the Sum of four pounds fiveteen¹ Shillings and one penny be paid the Pet^r out of the publick Treasury in consideration of his Servant's time and Sufferings in Captivity. [*Passed April 24.*]

CHAPTER 361.

ORDER ALLOWING £4.17 TO THE RESPECTIVE HEIRS OF HUGH HOLMAN, JEREMIAH SIMPSON AND ELISHA SMITH.

A PETITION of Keziah Holman, Widow of Hugh Holman, Sarah Simpson Widow, Mother of Jeremiah Simpson, and James Smith Father of Elisha Smith, setting forth That the said Hugh, Jeremiah and Elisha being Soldiers in the pay of this province were taken Captives at Fort William Henry, and all died in Captivity, That their Wages are made up only to the time of their being taken; And praying a further Allowance, and for the Loss of their Arms.

Legislative
Records of the
Council, xxii.,
623. Mass.
Archives,
lxxviii., 432.
Mass.
Archives,
lxxviii., 430.
House Jour-
nal, pp. 338, 351.

Read and

Ordered that the sum of four pounds Seventeen Shillings be paid out of the publick Treasury to the respective Heirs of Hugh Jeremiah and Elisha within named in full consideration for their Losses & Sufferings mentioned. [*Passed April 24.*]

CHAPTER 362.

VOTE ALLOWING ONE PER CENT ADDITIONAL TO THOMAS FLETCHER, COLLECTOR OF EXCISE FOR SUFFOLK COUNTY.

A PETITION of Thomas Fletcher Collector of the Excise for the County of Suffolk; setting forth the extraordinary duty lying upon the Collector for said County, while the premium allowed by the Government for Collecting is less than in the other Counties of the province; And praying for a further Allowance

Legislative
Records of the
Council, xxii.,
624. Mass.
Archives, cx.,
296.

[Read and]

Voted. that the Collector of Excise for the County of Suffolk for the Present year be allowed for his Collecting the Excise for this present year one $\frac{1}{2}$ Cent. in addition to the one & half $\frac{1}{2}$ cent. allowed him by Law. [*Passed April 24.*]

Mass.
Archives, cx.,
294. House
Journal,
pp. 341, 357.

CHAPTER 363.

ORDER GRANTING TO HUGH FLOYD LICENCE TO KEEP AN INN.

A PETITION of Hugh Floyd of Medford, setting forth That his House called the Royal Oak in said Medford has been improved as a Tavern ever since it was built, That his Tenant is about quitting it, and he proposes to carry on the business himself in said House And

Legislative
Records of the
Council, xxii.,
624. Mass.
Archives, cxl.,
449.

Mass.
Archives, cxl.,
448. House
Journal,
pp. 357, 358.

praying that the Court of General Sessions of the peace to be held at Cambridge in May next may be impowered to grant him a Licence for that purpose.

Read and

Ordered that the Justices of the Gen^l sessions of the Peace for the County of Middlesex be allowed (if they see cause) to grant the Pet^r a Licence to keep Tavern &c He first obtaining the approbation of the Select Men of said Town for that purpose The time for granting Licenses being elapsed notwithstanding. [*Passed April 24.*]

RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1759-60.

LEGISLATIVE LIST¹

FOR

1759-60.

HIS EXCELLENCY THOMAS POWNALL,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, ESQ.,
SECRETARY OF THE PROVINCE.

THOMAS CLARKE, ESQ.,
DEPUTY SECRETARY.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

HON. THOMAS HUTCHINSON
JOHN OSBORNE
JACOB WENDELL
BENJAMIN LYNDE
SAMUEL DANFORTH
SAMUEL WATTS
JOHN CHANDLER
EZEKIEL CHEEVER
ANDREW OLIVER

} ESQRS.

JOSEPH PYNCHON
STEPHEN SEWALL
ISAAC ROYALL
JOHN ERVING
JAMES BOWDOIN
THOMAS HANCOCK
THOMAS HUBBARD
ICHABOD PLAISTED
CHAMBERS RUSSELL

} ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING
GEORGE LEONARD

} ESQRS.

SILVANUS BOURN
GAMALIEL BRADFORD

} ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

SIR WILLIAM PEPPERRELL, BARONET, JOHN HILL & RICHARD CUTT, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;

WILLIAM BRATTLE, ESQ.

¹ See Legislative Records of the Council, xxiii., 1b-5.

For the Province at large:—

BENJAMIN LINCOLN & PETER OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 30, 1759 to April 28, 1760.

MR. SAMUEL WHITE, SPEAKER.

COUNTY OF SUFFOLK.

Boston,¹ . . . Hon. Thomas Hubbard,
Esq.,
Mr. John Tyng,
Thomas Flucker, Esq.,
Benjamin Pratt, Esq.
Roxbury, . . . Mr. Samuel Heath.
Dorchester, . . . Nathaniel Hatch, Esq.
Milton, . . . Andrew Belcher, Esq.
Braintree, . . . Samuel Niles, Esq.
Weymouth, . . . Mr. James Humphrey.
Hingham, . . . Mr. Joshua Hearsey.
Dedham, . . . Mr. Joseph Ellis.
Medfield, . . . Mr. Ephraim Chenery.
Stoughton, . . . Mr. Richard Bailey.
Wrentham, . . . Capt. Timothy Metcalfe.
Chelsea, . . . Thomas Goldthwait, Esq.
Needham, . . . Mr. Amos Fuller.

COUNTY OF ESSEX.

Salem, . . . Stephen Higginson, Esq.
Ipswich, . . . Samuel Epes, Esq.
Newbury, . . . Joseph Gerrish, Esq.
Lynn, . . . Benjamin Newhall, Esq.
Marblehead, . . . William Bourn, Esq.
Andover, . . . Samuel Phillips, Esq.
Beverly, . . . Mr. Henry Herrick.
Rowley, . . . Mr. Thomas Lancaster.
Salisbury, . . . Caleb Cushing, Esq.
Haverill, . . . Mr. David Marsh.
Glocester, . . . William Stevens, Esq.
Almsbury, . . . Jonathan Bagley, Esq.
Bradford, . . . Capt. Benjamin Milliken.
Boxford, . . . Mr. Thomas Perley.
Danvers, . . . Daniel Epes, Jr., Esq.²

COUNTY OF MIDDLESEX.

Cambridge, . . . Andrew Boardman, Esq.
Charlestown, . . . James Russell, Esq.

COUNTY OF MIDDLESEX—*Concluded.*

Woburn, . . . Mr. James Fowle.
Concord, . . . Charles Prescott, Esq.
Reading, . . . Mr. John Temple.
Newton, . . . Capt. John Clarke.
Sudbury, . . . John Noyes, Esq.
Marlborough, . . . Mr. Samuel Witt.
Watertown, . . . Mr. Daniel Whitney.
Groton Shirley } William Lawrence, Esq.
& *Pepperrell*, }
Billerica, . . . Capt. Enoch Kidder.
Framingham, . . . Joseph Buckminster, Esq.
Lexington, . . . William Read, Esq.
Weston, . . . Mr. Abraham Bigelow.
Chelmsford, . . . Oliver Fletcher, Esq.
Malden, . . . Mr. Thomas Pratt.
Medford, . . . Stephen Hall, Esq.
Westford, . . . Capt. Jonas Prescott.
Waltham, . . . Samuel Livermore, Esq.
Lincoln, . . . Hon. Chambers Russell,
Esq.

COUNTY OF HAMPSHIRE.

Springfield, . . . Capt. Luke Bliss.
Northampton & } Timothy Dwight, Esq.
S^o hampton, }
Hadley S^o Had- } Capt. Moses Marsh.
ley & Amherst }
Hatfield, . . . Oliver Partridge, Esq.
Deerfield & } Thomas Williams, Esq.
Greenfield }
Westfield, . . . David Moseley, Esq.
Sunderland }
Montague & } Mr. Fellows Billing.
New Salem }
Sheffield, . . . Capt. Ithamar Hubbel.
Stockbridge, . . . Timothy Woodbridge,
Esq.
Brimfield, . . . Capt. Daniel Burt.

¹ Royall Tyler, Esq., chosen to represent Boston.—House Journal, p. 41.

² Daniel Epes, Esq., disqualified, as he holds office of Collector of Excise, Essex County.—House Journal, p. 42.

COUNTY OF WORCESTER.

<i>Worcester,</i> . . .	Timothy Paine, Esq.
<i>Lancaster,</i> . . .	William Richardson, Esq.
<i>Leicester & Spencer</i> }	Mr. Benjamin Tucker.
<i>Mendon,</i> . . .	Mr. John French.
<i>Brookfield,</i> . . .	Capt. Jabez Upham.
<i>Sutton,</i> . . .	Capt. Henry King.
<i>Lunenburg,</i> . . .	Edward Hartwell, Esq.
<i>Rutland & Rutland Dis- trict,</i> }	John Murray, Esq.
<i>Shrewsbury,</i> . . .	Artemas Ward, Esq.
<i>Hardwick,</i> . . .	Timothy Ruggles, Esq.
<i>Sturbridge,</i> . . .	Moses Marcy, Esq.
<i>Oxford,</i> . . .	Capt. Edward Davis.
<i>Westborough,</i> . . .	Mr. Thomas Furbush.
<i>Bolton,</i> . . .	John Whitcomb, Esq.

COUNTY OF PLYMOUTH.

Plymouth, . . . George Watson, Esq.
Scituate, . . . Thomas Clap, Esq.
Marshfield, . . John Thomas, Esq.
Duxbury, . . . Mr. Samuel Seabury.
Bridgewater, . . Daniel Howard, Esq.
Middleborough, . Capt. Ebenezer Sprout.
Rochester, . . . Mr. Nathaniel Ruggles.
Plimpton, . . . Capt. John Bradford.
Pembroke, . . . Mr. Israel Turner.
Kingston, . . . Capt. Robert Bradford.
Abington, . . . Mr. Woodbridge Brown.
Hanover, . . . David Stockbridge, Esq.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. .	Edward Bacon, Esq.
<i>Sandwich,</i>	. .	Roland Cotton, Esq.
<i>Eastham,</i>	. .	Mr. Jonathan Doane.
<i>Yarmouth,</i>	. .	Mr. Daniel Hall.
<i>Harwich,</i>	. .	Nathaniel Stone, Esq.
<i>Falmouth,</i>	. .	Capt. Joseph Robinson.

COUNTY OF BRISTOL.

<i>Taunton,</i>	. . .	Hon. Samuel White, Esq., Speaker.
<i>Rehoboth,</i>	. . .	Capt. Timothy Walker.
<i>Swanzey,</i>	. . .	Mr. Zerathmeel Bowers.
<i>Dartmouth,</i>	. . .	Mr. Benjamin Akin.
<i>Norton,</i>	. . .	Capt. Thomas Morey.
<i>Attleborough,</i>	. . .	Mr. Benjamin Day.
<i>Dighton,</i>	. . .	Mr. Ebenezer Stetson.

COUNTY OF YORK.¹

York, . . . John Bradbury, Esq.
Kittery, . . . Nathaniel Sparhawk, Esq.
Wells, . . . Joseph Sayer.
Berwick, . . . Capt. Benjamin Chad-
 bourn.
Falmouth, . . Samuel Waldo, Esq.
North Yarmouth, Mr. John Lewis.

DUKES COUNTY.

Edgartown, . . Mr. John Newman.

IN THE COUNTY OF NANTUCKET.

Sherburne, . . . Abishai Folger, Esq.

¹ House Journal, p. 298 (March, 1760), adds, Biddeford, Mr. Samuel Jordan.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTIETH DAY OF MAY, A.D. 1759.

CHAPTER 1.

ORDER IMPOWERING OLIVER PARTRIDGE, ESQ^R, TO SELL OR EXCHANGE
LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Oliver Partridge Esq^r Setting forth That the Great and General Court were pleased in March last upon the petition of Ruth Stiles Guardian to Oliver and Russell Kellog to empower him to make Sale of or exchange sundry Lots of Land in the Town of Hatfield belonging to the said Oliver and Russell Since which it appears that they are Owners of several other small Lots in said Town which lye inconveniently for them, and which he has now an Opportunity to exchange to advantage; And praying that his power may extend to all the Lands belonging to the said Oliver and Russell Kellog in the four divisions of Commons in Hatfield.

Read and

Ordered That the prayer of the petition be granted and that Oliver Partridge Esq^r be appointed and empowered as a Person in trust to make Sale of and exchange all or any part of the several Lots of Land in the four divisions of Commons in the Town of Hatfield now belonging to Oliver and Russell Kellog and as occasion shall require make and execute a good deed or deeds in the Law for the same, as also to take and receive deeds for their Use; and that the proceeds of the Sale of said Land be put out at Interest by said Oliver partridge and continued so from time to time, And that he give caution to the Judge of Probate for the County of Hampshire to Account with the said Oliver and Russell Kellog as they respectively arrive to Age. [*Passed June 5.*]

Legislative
Records of the
Council,
xxiii., 8.

House Jour-
nal, pp. 10, 17.
Ante, p. 325,
chap. 278.

CHAPTER 2.

ORDER ALLOWING £9 TO JOS. WITHERELL.

A PETITION of Joseph Witherel of Marshfield; Setting forth that he was impressed into his Majesty's Service on the 2^d day of May, 1758, for the Expedition against Canada, and proceeded to Schenectada and was there put under Capt. White in Col^o Joseph Williams's Regiment and did Duty accordingly 'till he was taken Sick and obtained a furlough to come home where also he remained

Legislative
Records of the
Council,
xxiii., 9.
Mass.
Archives,
lxxviii., 197.

Mass.
Archives,
lxxviii., 196.

House Jour-
nal, p. 17.

Sick for a long time; But that he is not made up in any Muster Roll; And praying Relief.

Read and

Ordered that this Petⁿ be revived and that M^r Israel Turner be allowed to recieve out of the publick Treasury for the Use of the Petitioner Nine pounds in full for his services and Sufferings mentioned. [*Passed June 5.*]

CHAPTER 3.

ORDER IMPOWERING NATHANIEL TITUS, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii., 9.

House Jour-
nal, pp. 13, 16.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Nathaniel Titus Administrator de bonis non of the Estate of Robert Packard late of Attleborough in the County of Bristol deceased, setting forth, That the deceaseds personal Estate is not sufficient to pay his just Debts, but that there is a deficiency of £50.12.2½. That his Real Estate consists of a Dwelling house, Barn and about Sixty five Acres of Land in said Attleborough; that it will be a great prejudice to the whole to Sell off a bare sufficiency to pay the Debts; And praying that he may be impowered to Sell the whole, he to be Accountable.

Read and

Ordered That the petitioner be and he hereby is allowed and impowered in his Capacity within named to make Sale of the Real Estate of the said deceased, and to execute a good deed or deeds for the same, He observing the Law respecting the Sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Bristol, that the produce thereof be applied in the first place for the payment of the just debts of the deceased; and the Overplus if any there be for the benefit of the Heirs of the said deceased according to Law. [*Passed June 5.*]

CHAPTER 4.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
10.

Resolved That there be allowed and paid out of the publick Treasury to William Lawrence Esq^r for the Use of Robert Wilson Six pounds, and for the Use of Isaac How Forty shillings; To Timothy Woodbridge Esq^r for the Use of Josiah Williams Ten pounds; To William Richardson Esq^r for the Use of Richard Stuart Four pounds; To Capt. Thomas Morey for the Use of Bathsheba Bassett Forty shillings; And to John Noyes Esq^r for the Use of Obadiah Perry thirteen shillings and four pence in full Consideration of the Expences in their petitions mentioned.¹ [*Passed June 5.*]

¹ Not found in the House Journal.

CHAPTER 5.

ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE HASSANAMISCO INDIANS.

Legislative
Records of the
Council, xxiii.,
10. Mass.
Archives,
xxxiii., 103.

JOHN CHANDLER ESQ^a and others Trustees to receive the Interest Money arising to the Indians of Hassanamisco alias Grafton on 1744 oz of Silver, presented their Account of Receipts & Disbursements

Read and

Ordered that the within Acc^t be allowed; and that the Ball^a thereof being Nineteen Shillings and five pence farthing The said Trustees are further accountable to said Indians for. [*Passed June 5.*]

Mass.
Archives,
xxxiii., 103.
House Jour-
nal, p. 19.
Ante, p. 241,
chap. 76, note.

CHAPTER 6.

ORDER REMOVING THE STOPPAGE OF WAGES FOR A GUN, AND DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF A SERVANT.

A PETITION of James Dennison of Sturbridge, Setting forth, That his Servant inlisted as a Soldier in the pay of the province and carried his own Gun; That there is three pounds stopt from his Wages for not returning a Gun when the Service was over, And praying Relief.

Read and

Ordered that the Stoppage for the Gun mentioned be taken off. And that the Treasurer be directed to pay the full Wages due for his said servt^a Service and that the Wages be paid to Col^o Marcy for the Use of the Pet^r. [*Passed June 5.*¹]

Legislative
Records of the
Council, xxiii.,
13. Mass.
Archives,
lxxviii., 508.

Mass.
Archives,
lxxviii., 508.
House Jour-
nal, pp. 12, 13,
16. *Ante*,
p. 247, chap. 89.

CHAPTER 7.

ORDER IMPOWERING CALEB KINGSBERRY, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Caleb Kingsberry of Needham, Guardian to Israel Gill of said Needham, a person Non Compos, Setting forth That the said Israel is seized in Fee of a small Tract of Land in said Town containing about Fourteen Acres, which lyes unimproved and cannot be rendered profitable without great expence; And praying liberty to Sell the same for the payment of the debts and for the more comfortable Support of the said Israel.

Read and

Ordered That the prayer of the petition be granted, and that the petitioner in his said Capacity be and he is hereby empowered to make Sale of the Fourteen Acres of Land herein mentioned, and to make and execute a good deed or deeds in the Law of the same, He observing the Rules in the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient Caution to the Judge of Probate for the County of Suffolk, that the proceeds arising by said Sale be applied for the Maintenance of the said Non Compos person. [*Passed June 6.*]

Legislative
Records of the
Council, xxiii.,
11.

House Jour-
nal, pp. 11, 20,
21. Province
Laws, ii., 151,
chap. 10.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 6.

CHAPTER 8.

VOTE CONTINUING THE ESTABLISHMENT FOR PROTECTION OF EASTERN
AND WESTERN FRONTIERS.

Legislative
Records of the
Council, xxiii.,
11.

House Jour-
nal, p. 20.
Ante, p. 328,
chap. 284.

Voted That the Establishment made the 23^d of March last for the protection of the Eastern and Western Frontiers, both Pay and Sub-
sistence be continued until the 10th of September next, except at
Georges Fort, And that his Excellency the Captain General be
desired to reduce the same to one Lieutenant one Sergeant, one
Corporal and fourteen privates. [*Passed June 6.*]

CHAPTER 9.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £8.2 TO
BENONI GRAVES.

Legislative
Records of the
Council, xxiii.,
12. Mass.
Archives,
lxxviii., 512.

Mass.
Archives,
lxxviii., 511.
House Jour-
nal, pp. 18, 20.
Ante, p. 307,
chap. 240.

A PETITION of Jonathan Field of Sunderland, Setting forth That
on or before the 2^d day of April last, he inlisted one Richard Mon-
tague for the Canada Expedition upon the encouragement of the
Province Bounty, being one that had served on a former Campaign,
but being taken Sick he could not proceed, after which he inlisted
one Ephraim Newton, who was not accepted by reason of his Youth;
whereupon one Benoni Graves who had served in two former Cam-
paigns inlisted to supply this deficiency, but the time being thus
elapsed, he cannot receive the Bounty without the Aid of this Court;
And praying an Order for the same.

Read and

Ordered that the Treasurer be directed to pay M^r Fellows Billing
for the Use of Benoni Graves within Named the sum of Eight pounds
two Shillings as Bounty in consideration of His Enlistment within
mentioned. [*Passed June 6.*]

CHAPTER 10.

ORDER REMOVING THE STOPPAGE OF WAGES FOR A GUN AND ALLOW-
ING £3 TO NATH^l JONES THEREFOR.

Legislative
Records of the
Council, xxiii.,
14. Mass.
Archives,
lxxviii., 482.

Mass.
Archives,
lxxviii., 482.
House Jour-
nal, pp. 13, 17.
Ante, p. 247,
chap. 89.

A PETITION of Nathaniel Jones of Charlton, Setting forth That
his Son Daniel Jones, a Soldier in the pay of the province was
killed at Ticonderoga, notwithstanding which there is a Stoppage
of Three pounds from his Wages on account of his Gun not being
returned And praying Relief.

Read and

Ordered that the stoppage of the Gun within mention'd be taken
off and that Cap^t Davis be allowed to recieve three pounds out of
the Treasury for the Use of the Pet^r accordingly. [*Passed June 6.*]

CHAPTER 11.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOUNT of Gardiner Chandler, Treasurer of the County of Worcester (ballance due to the County appropriated for building a Court House) being presented to the Court for Allowance.

Read and

Ordered That the within Account be allowed, and that the said Treasurer be discharged of the Sum of Ninety four pounds five shillings and ten pence half penny; And that the said Treasurer be further Accountable to the said County for the ballance thereof, being One hundred sixty three pounds thirteen shillings and four pence three farthings; As also for the Tax of Fourteen pounds seven shillings laid on the Town of Woodstock for the year, 1758. as also for Woodstock's Taxes ever since 1748. still outstanding. [*Passed June 7.*]

Legislative
Records of the
Council, xxiii.,
15.

House Jour-
nal, pp. 15, 24.
Ante, p. 10,
chap. 8.

CHAPTER 12.

ORDER IMPOWERING NATHANIEL HILL, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Nathaniel Hill of Natick Indian; Setting forth That he with his Wife Patience Hill obtained leave to Sell thirty Acres of Land in Natick, that said Land was the property of his said Wife who is since dead, And praying that he may notwithstanding have liberty to sell the same for the reasons mentioned in their said petition preferred in June. 1758.

Read and

Ordered That the prayer of this Petition be so far granted as that the petitioner be and he is hereby allowed and empowered with the Advice and Consent of the Guardians of the Natick Indians, to Sell thirty Acres of the Land lying in Natick as mentioned in this petition for the most the same will fetch, seasonable publick Notice being first given of the time and place of Sale, the proceeds thereof to be applied for discharging the debts as mentioned in the first petition and Order of this Court thereon in June. 1758. and for the comfortable Support of the petitioner and his Family, the Children of his late Wife, and that the said Trustees lay their Account before this Court for Allowance. [*Passed June 7.*]

Legislative
Records of the
Council, xxiii.,
16.

Legislative
Records of the
Council, xxiii.,
13. House
Journal, p. 43
(June, 1758);
p. 27. *Ante*,
p. 216, chap. 18;
p. 241, chap. 76,
note.

CHAPTER 13.

ORDER DIRECTING THE COLLECTOR OF EXCISE NOT TO PROSECUTE JON^A MORTON.

A PETITION of Jonathan Morton of Hatfield, Setting forth That not long after the publication of the late Excise Act, he being possessed of an Hogshead of Rum did innocently as being ignorant of the Law Sell the same altho' it had no permit as the Law requires to sell such Liquors; That the Excise upon said Rum has been duly

Legislative
Records of the
Council, xxiii.,
19.

House Jour-
nal, pp. 13, 22.
Province

Laws, iv., 201,
chap. 29; 238,
note.

paid, but the Collector being under Oath thinks himself obliged to prosecute the petitioner for the penalty of the Act, although he is himself satisfied with respect to the duty of Excise as appears by his Certificate annexed; And praying Relief.

Read and

Ordered That the Collector be directed not to prosecute the petitioner for any Violation of the Law, it appearing that the Excise for the Rum sold, has been duly paid to the Collector. [*Passed June 7.*]

CHAPTER 14.

ORDER DIRECTING THE COLLECTOR OF EXCISE NOT TO PROSECUTE
JOHN DICKINSON.

Legislative
Records of the
Council, xxiii.,
19. Mass.
Archives, cxi.,
450.

House Jour-
nal, pp. 13, 21.
Province
Laws, iv., 201,
chap. 29; 238,
note.

A PETITION of Oliver Partridge in behalf of John Dickinson of Hatfield, Setting forth That the said John in the Month of August last, having no permit to Sell Spirituous Liquors did ignorantly Sell one barrel of Rum for which it appears by the Collectors Certificate the duty of Excise has been paid; And praying he may be exempted from the penalty of the Law for Selling as aforesaid.

Read and

Ordered that the Collector be directed not to prosecute the s^d John Dickinson for any violation of the Law. It appearing that the Excise for the Rum Sold has been duely paid to the Collector. [*Passed June 7.*]

CHAPTER 15.

ORDER DIRECTING THE COLLECTOR OF EXCISE NOT TO PROSECUTE
TIM^o NASH.

Legislative
Records of the
Council, xxiii.,
19. Mass.
Archives, cxx.,
293.

Mass.
Archives, cxx.,
292. House
Journal, pp. 13,
21. Province
Laws, iv., 201,
chap. 29; 238,
239, note.

A PETITION of Timothy Nash of Road Town, Setting forth That he hath a permit in common form for the Selling of Rum at his Dwelling house or Store in said Road Town, but that he hath inadvertently and without any design of defrauding the Government sold Rum elsewhere, for which he hath nevertheless paid the duty of Excise; And praying that he may be exempted from the penalty of the Law for Selling as aforesaid.

Read and

Ordered that the Collector be directed not to prosecute the Pet^r for any Violation of the Law it appearing that the Excise for the Rum Sold has been duely paid to the Collector. [*Passed June 7.*]

CHAPTER 16.

ORDER DIRECTING THE COLLECTOR OF EXCISE NOT TO PROSECUTE
MARTYN PHELPS.

Legislative
Records of the
Council, xxiii.,
20. Mass.
Archives, cxli.,
444.

A PETITION of Martyn Phelps of Northampton; Setting forth That he is licensed to be a Retailer of Strong Liquors in said Town; That he purchasing two barrels of Rum at Boston for that purpose, was transporting the same home, but to Accommodate an Innholder

in said Town about four Miles before he reached home did inadvertently Sell one of said barrels of Rum, but without any intention to defraud the Government, and has duly paid the duty of Excise thereon; And praying he may be exempted from the penalty of the Law for so doing.

Read and

Ordered that the Collector be directed not to prosecute the Pet^r for any violation of the Law. It appearing that the Excise for the Rum Sold has been duely paid to the Collector. [*Passed June 7.*]

Mass.
Archives, cxi.,
443. House
Journal, pp. 13,
21, 22. Prov-
ince Laws, iv.,
201, chap. 29;
239, note.

CHAPTER 17.

ORDER ALLOWING 40/ TO JOHN BENSON.

A PETITION of John Benson of Bridgwater, praying an Allowance for fetching home his Grandson Richard Bartlet a Soldier in the pay of the province the last year, who was sent Sick from Schenectada to the Hospital at Green Bush when the Campaign was over; and a further Allowance for a Gun he purchased and returned into the publick Store in lieu of a Gun belonging to the Government, which was Stolen from his said Grandson, when he lay Sick.

Read and

Ordered that the Pet^r be allowed to recieve out of the publick Treasury the Sum of forty Shillings in full consideration for the services and sufferings within mentioned. [*Passed June 7.*]

Legislative
Records of the
Council, xxiii.,
20. Mass.
Archives,
lxxviii., 188.

Mass.
Archives,
lxxviii., 187.
House Jour-
nal, p. 27.

CHAPTER 18.

ORDER ALLOWING £3.12 TO DAVID BRYANT.

A PETITION of David Bryant of Scituate, Setting forth That his Son William a single person was impressed into his Majesty's Service for the Canada Expedition in 1758. and proceeded therein accordingly, and died in the Month of August at the German Flats; That the petitioner cannot find that his said Son was made up in any Roll, nor to what Company he belonged; And praying that he may have an Order to receive the Wages due to his Son for his Service as aforesaid.

Read and

Ordered that the sum of three pounds twelve shillings be granted to the Pet^r in full for his Son's Wages while in the service. [*Passed June 7.*]

Legislative
Records of the
Council, xxiii.,
21. Mass.
Archives,
lxxviii., 506.

House Jour-
nal, pp. 20, 27.

CHAPTER 19.

VOTE DESIRING HIS EXCELLENCY THE GOVERNOR TO APPOINT A FAST.

House Journal, p. 30.

House Journal, p. 29.
Love's Fast and Thanksgiving Days of New England, p. 498.

Voted, That his Excellency the Governour with the Advice of his Majesty's Council, be desired to appoint a Day of public Fasting and Prayer¹ throughout this Province, to implore the Blessing of Almighty God upon his Majesty's Arms both by Sea and Land; especially that the important Expedition of the present Year against Canada may be prospered. [*Passed* June 8.*]

CHAPTER 20.

ORDER CONFIRMING A PLAN OF 600 ACRES OF LAND TO JOHN FARRAR.

Legislative Records of the Council, xxiii., 22.

House Journal, pp. 28, 29.
Ante, p. 220, chap. 27.

A PLAN of Six hundred Acres of Land laid out pursuant to a Grant of the Great and General Court on the 13th June. 1758. to M^r John Farrar of Concord, as laid out 11 April 1759. by Samuel Messinger Surveyor, was presented for Allowance, which Land is described as follows, Viz^t Beginning in the South bound line of the East bound line of Pontoosuck Township; And from said heap of Stones I run South by the Needle 9° West 25 Chains (of Gunters) to a heap of Stones on a Hill that faces Southwest, and has a steep descent to a large Brook that comes out of a pond, thence East 9° South 24 Chains to a heap of Stones laid about a Beach tree maked **F, T.** standing near the path or Road from pontoosuck to **N 4.** thence South 9° West 60 Chains to a hard Maple Pole marked and stones about it on a Knowl that faces N. W. and is about two Rods Eastward of a small Brook that runs Northward into the aforesaid large Brook; thence East 9° South 65 Chains 41 links to a heap of Stones; then North 9° East 85 Chains to the South Line of the Grant aforesaid; thence West 9° North 89 Chains 41 links to the Bounds begun at; The Road from Pontoosuck to **N 4** is upwards of a Mile and an half through this Survey, and there is Sixteen Acres added to the above quantity to be a Reserve for said Road (a plan of this Survey is hereto annexed) this Survey was performed 11th of April. 1759.

Read and

Ordered That the within plan be accepted, and the Lands herein delineated be and hereby are confirmed to the said John Farrar his heirs and assigns, provided the Tract exceeds not the quantity of the Grant, and does not interfere with any former Grant. [*Passed June 8.*]

¹ The fast was appointed for June 28, 1759, and was public.

CHAPTER 21.

ORDER ALLOWING £2.14 TO JAMES DAVIS.

A PETITION of James Davis of Barnstable; setting forth, That his Servant David Baker being a Soldier the last year in the pay of the province was sent home Sick in September last, and continued so for more than three months after his return Therefore praying he may receive his Wages to the time the Company to which he belonged was dismissed.

Read and

Ordered that the Pet^r be allowed & paid out of the publick Treasury the Sum of two pounds fourteen Shillings to the Pet^r in full consideration for the Sufferings within mentioned. [*Passed June 8.*

Legislative
Records of the
Council, xxiii.,
22. Mass.
Archives,
lxxviii., 321.

Mass.
Archives,
lxxviii., 321.
House Jour-
nal, p. 30.

CHAPTER 22.

ORDER IMPOWERING SUSANNAH CHAMBERLAIN, ADM^x, TO EXECUTE A DEED OF 14 ACRES OF LAND, AND TO SELL 45 ACRES, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Susanna Chamberlain of Billerica in the County of Middlesex, Administratrix of the Estate of her late Husband William Chamberlain of said Billerica deceased intestate setting forth that her said Husband had sold fourteen Acres of Land to one Jason Kemp for the Sum of £26.13.4 and received one half of said Sum, the other half being to be paid on the 1st of August next, at which time he was to execute a deed for said Land, and had obliged himself in the penalty of £100 so to do.

Legislative
Records of the
Council, xxiii.,
23. Mass.
Archives,
lxxviii., 426.

Mass.
Archives,
lxxviii., 425.
House Jour-
nal, pp. 23, 28,
29.

That the said William died also seized of about 45 Acres of Land mostly Wilderness on the borders of said Town apprizd at £89. That his debts exceed his personal Estate £12.18.8 and as no part of said Land can be sold without prejudice to the whole praying She may be enabled to make Sale of said Forty five Acres of Land, and likewise to execute a deed for the fourteen Acres sold by her said Husband as aforesaid.

Read and

Ordered that the within named Susanna (in her Capacity) be Authorized to make and execute a sufficient Deed of the fourteen Acres of Land mentioned to the within named Jason Kemp His Heirs & Assigns. He paying the remaining principal sum being thirteen pounds Six Shill^{es} and eight pence to the said Susanna.

The said Susanna giving sufficient Caution to the Judge of Probate for the County of Middlesex that She will Account for the said Money agreeable to Law And that the said Susanna in her Capacity be authorized to make Sale of the forty five Acres of Land herein mentioned; being the whole of the real Estate of the within named William for the most the same will sell for; giving Notice (previous to the Sale) according to Law She to have the Use or Interest of one third part of the proceeds of such Sale during her natural Life. Provided she give Caution to the Judge of Probate for the County of Midd^x that the principal Sum or third part aforesaid together with what shall remain of the other two thirds (after

the payment of the Just Debts of the Decd) be Secured for the Heirs at Law of the said Deceased. And to Acc^t with the said Judge for Her Proceedings when thereto lawfully required. [*Passed June 8.*]

CHAPTER 23.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY FOR 1757.

Legislative
Records of the
Council, xxiii.,
25.

House Jour-
nal, pp. 15, 30.

AN ACCOUNT of Daniel Appleton Esq^r Treasurer of the County of Essex dated 2^d April. 1757¹ being laid before the Court for their Allowance.

Read and

Ordered That the within Account be allowed, and that the within named Treasurer be discharged of the Sum of One hundred thirty nine pounds two shillings and five pence, and that he be further Accountable to the said County for the ballance thereof being Three hundred seventy four pounds four shillings and three pence when he shall receive the same. [*Passed June 8.*]

CHAPTER 24.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY FOR 1758.

Legislative
Records of the
Council, xxiii.,
25.

House Jour-
nal, pp. 15, 30.

AN ACCOUNT of Daniel Appleton Esq^r Treasurer of the County of Essex dated 15 July. 1758.² being laid before the Court for their Allowance.

Read and

Ordered That the foregoing Account be allowed, and that the Treasurer be discharged of the Sum of Two hundred six pounds eight shillings and two pence; and that he be further accountable to the said County for the ballance being One hundred sixty seven pounds sixteen shillings and one penny when received by him. [*Passed June 8.*]

CHAPTER 25.

ORDER ALLOWING THE ACCOUNT OF THE MIDDLESEX COUNTY TREASURER.

Legislative
Records of the
Council, xxiii.,
25.

House Jour-
nal, pp. 15, 31.

AN ACCOUNT of Daniel Russell Esq^r Treasurer of the County of Middlesex dated 15 May. 1759. being laid before the Court for their Allowance.

Read and

Ordered That the within Account be allowed and that the within named Treasurer be discharged of the Sum of Three hundred and fifty five pounds thirteen shillings and five pence; and that he be

¹ The House Journal, p. 30, reads, "1756."

² The House Journal, p. 30, reads, "1757."

further Accountable to the said County for the ballance thereof being One hundred twenty three pounds one shilling and six pence when he shall receive the same. [*Passed June 8.*]

CHAPTER 26.

ORDER ADJOURNING THE COURTS OF BRISTOL COUNTY.

WHEREAS the Inferiour Court of Common pleas and Court of General Sessions of the Peace which by Law was to be held at Taunton in and for the County of Bristol on the second Tuesday of March last, stands adjourned to the second Tuesday of June instant, and divers Justices of said Courts and others are Members of the Great and General Court of this Province, which is now Sitting, and the important Affairs of the Province require their attendance.

Legislative
Records of the
Council, xxiii.,
26.

House Jour-
nal, p. 31.
Province
Laws, lli., 64,
chap. 32; 313,
chap. 15.

Wherefore

Ordered that said Courts be and are hereby further adjourned, as also the Inferiour Court of Common pleas and Court of General Sessions of the Peace which by Law are to be held at Taunton in and for the County of Bristol on the second Tuesday of June instant, and that all Matters and Things that might have had day in either of said Courts at the times aforesaid shall be heard and tried on the said last Tuesday of June instant, and that all Officers and other persons concerned in said Courts conform themselves accordingly. [*Passed June 8.*]

CHAPTER 27.

ORDER ACCEPTING REPORT OF COMMITTEE ON ACCOUNT OF INDIAN TRADE OF COMMISSARY GENERAL JOHN WHEELWRIGHT FROM MAY, 1754, TO MAY, 1755.

THE SEVERAL COMMITTEES of the two Houses appointed to examine the late M^r Commissary Wheelwrights Accounts for three years from 1754. to May, 1758. having attended that Service reported severally thereon as follows, Viz^t

Legislative
Records of the
Council, xxiii.,
26. Mass.
Archives, cxx.,
53.

That having examined his Account of the Indian Trade from May, 1754. to May, 1755. they find the ballance due from John Wheelwright Esq^r the Officer for Managing the Indian Trade which he is further to Account for is Thirty one Thousand and four pounds nine shillings and two pence old tenor equal to Four Thousand one hundred and thirty three pounds eighteen shillings and seven pence lawful money.

Read and

Ordered that the within Report be revived and Accepted. [*Passed June 8.*]

Mass.
Archives, cxx.,
41–53. Legisla-
tive Records of
the Council,
xxiii., 8.
House Jour-
nal, p. 33
(June, 1755);
p. 49 (June,
1756); p. 41
(June, 1757);
p. 320 (March,
1758); p. 36
(June, 1758).

CHAPTER 28.

ORDER ACCEPTING REPORT OF COMMITTEE ON SPECIE ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT FROM MAY, 1754, TO MAY, 1755.

Legislative
Records of the
Council, xxiii.,
26.

House Jour-
nal, pp. 319, 320
(March, 1758).
Supra, chap.
27.

THE SAID COMMITTEE further reported [*supra*, chap. 27], That having examined The Specie Account of the said John Wheelwright Esq^r from May. 1754 to May. 1755. they find that there remained due to the Province Fifty six barrels of Pork and fifty two bushels of pease which he was further to Account for in the next Account of Specie.

Read and

Ordered That this Report be Accepted. [*Passed June 8.*

CHAPTER 29.

ORDER ACCEPTING REPORT OF COMMITTEE ON DISBURSEMENTS ACCOUNT OF COMMISSARY GENERAL WHEELWRIGHT FROM MAY, 1754, TO MAY, 1755.

Legislative
Records of the
Council, xxiii.,
27. Mass.
Archives,
ccxlviii., 170.

Mass.
Archives,
ccxlviii., 170.
House Jour-
nal, p. 320
(March, 1758).
Supra, chap.
28.

THE COMMITTEE further reported [*supra*, chap. 28] that having examined the said M^r Wheelwrights Account of Disbursments from May. 1754 to May. 1755. they found the same right cast and well vouched, and that he had disbursed for his Majesty's Service the sum of £93,209.15.5 and that he hath received of the Province Treasurer ~~ph~~ Warrants in part thereof with several Articles sold belonging to the province amount to £87,662.1.8 to the 31 May. 1755. there is therefore due from the province to the said Wheelwright for the ballance thereof Five thousand five hundred and forty seven pounds 13/9 old tenor equal to Seven hundred and thirty nine pounds thirteen shillings and ten pence lawful money.

Read and

Ordered That the foregoing Report be revived and Accepted. [*Passed June 8.*

CHAPTER 30.

ORDER ACCEPTING REPORT OF COMMITTEE ON ACCOUNT OF INDIAN TRADE OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1755, TO MAY, 1756.

Legislative
Records of the
Council, xxiii.,
27. Mass.
Archives, cxx.,
111.

Mass.
Archives, cxx.,
109. House
Journal, p. 320
(March, 1758).
Supra, chap.
29.

THE COMMITTEE further reported [*supra*, chap. 29] that having examined the said M^r Commissary Wheelwrights Account of the Indian Trade from May. 1755. to May. 1756. they find the ballance due from him which he is further to Account for is Nine hundred twenty four pounds nineteen shillings and eight pence lawful money.

Read and

Ordered that the foregoing Acc^t be revived and Accepted. [*Passed June 8.*

CHAPTER 31.

ORDER ACCEPTING REPORT OF COMMITTEE ON SPECIE ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1755, TO MAY, 1756.

THE COMMITTEE further reported [*supra*, chap. 30] that having examined the Specie Account of said John Wheelwright Esq^r from May. 1755. to May. 1756. they find that there remains due to the province Fifty barrels of Pork and One hundred and fifty four bushels of Peas which he is further to Account for in next Account of Specie.

Read and

Ordered that this Report be revived and Accepted. [*Passed June 8.*]

Legislative
Records of the
Council, xxiii.,
27. Mass.
Archives,
ccxlix., 84.

House Jour-
nal, p. 320
(March, 1758).
Supra, chap.
30.

CHAPTER 32.

ORDER ACCEPTING REPORT OF COMMITTEE ON DISBURSEMENTS ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1755, TO MAY, 1756.

THE COMMITTEE further reported [*supra*, chap. 31], That having examined the said M^r Wheelwrights Account of Disbursements from May. 1755. to May. 1756. They find the same right Cast and well Vouched, and that the ballance of Twenty nine pounds one shilling and ten pence lawful money is due to said Wheelwright from the province.

Read and

Ordered That this Report be Accepted. [*Passed June 8.*]

Legislative
Records of the
Council, xxiii.,
28.

House Jour-
nal, p. 321
(March, 1758).
Supra, chap.
31.

CHAPTER 33.

ORDER ACCEPTING REPORT OF COMMITTEE ON SPECIE ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1756, TO MAY, 1757.

THE COMMITTEE further reported [*supra*, chap. 32] that having examined the Specie Account of the said John Wheelwright Esq^r from May. 1756. to May. 1757. they find that there remained due to the Province One hundred seventy four barrels of pork, and Ninety and an half bushels of Peas, which he is further to Account for in next Account of Specie.

Read and Accepted, and

Ordered That the said John Wheelwright Esq^r be further Accountable accordingly. [*Passed June 8.*]

Legislative
Records of the
Council, xxiii.,
28.

House Jour-
nal, p. 321
(March, 1758).
Supra, chap.
32.

CHAPTER 34.

ORDER ACCEPTING REPORT OF COMMITTEE ON DISBURSEMENTS ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1756, TO MAY, 1757.

Legislative
Records of the
Council, xxiii.,
28.

House Jour-
nal, p. 321
(March, 1758).
Supra, chap.
33.

THE COMMITTEE further reported [*supra*, chap. 33] That having examined the said M^r Wheelwrights Account of Disbursements from May. 1756. to May. 1757. they found the same right cast and well vouched, and that the ballance of Six hundred forty nine pounds ten shillings and four pence lawful money is due to the province from said Wheelwright.

Read and

Ordered That the foregoing Report be Accepted, and that the said John Wheelwright Esq^r Commissary General be further Accountable to the province for the said Ballance of Six hundred and forty nine pounds ten shillings and four pence accordingly. [*Passed June 8.*]

CHAPTER 35.

ORDER ACCEPTING REPORT OF COMMITTEE ON SPECIE ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1757, TO MAY, 1758.

Legislative
Records of the
Council, xxiii.,
28.

House Jour-
nal, p. 16.
Supra, chap.
34.

THE COMMITTEE further reported [*supra*, chap. 34] That having examined the Specie Account of the said John Wheelwright Esq^r from May 1757. to May. 1758. They find that there remains due to the province One hundred and nineteen barrels of Pork, One hundred and nineteen barrels of Beef, and Three hundred and seventy eight and One quarter bushels of Peas, which John Wheelwright Esq^r late Commissary General is further to Account for.

Read and

Ordered That this Report be Accepted, and

Ordered that the Accomptant further Account for One hundred and nineteen barrels of Beef and One hundred and nineteen barrels of Pork, and Three hundred and Seventy eight and one quarter bushels of Peas due to the Province. [*Passed June 8.*]

CHAPTER 36.

ORDER ACCEPTING REPORT OF COMMITTEE ON DISBURSEMENTS ACCOUNT OF COMMISSARY GENERAL JOHN WHEELWRIGHT, MAY, 1757, TO MAY, 1758.

Legislative
Records of the
Council, xxiii.,
29.

House Jour-
nal, p. 16.
Supra, chap.
35.

THE COMMITTEE further reported [*supra*, chap. 35] That having examined the said M^r Wheelwrights Account of Disbursements from May. 1757. to May. 1758. They find the same right cast and well Vouched and that the ballance thereof Five hundred fifty seven pounds one shilling and seven pence lawful money is due to the said Wheelwright.

Read and Accepted and

[*Ordered That*] the ballance thereof being Five hundred fifty seven pounds one shilling and seven pence be accounted for with the said Wheelwright. [*Passed June 8.*]

CHAPTER 37.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE GOVERNOR'S SPEECH.

THE COMMITTEE appointed to take under Consideration that part of his Excellency's Speech relating to the Fort building at Penobscot, together with the Message of the 6 Instant relative thereto reported as their Opinion That the Establishment made the 8th of February last for raising 400 men for the Service of building a Fort there, be continued to the 1st of August; provided said Men shall voluntarily enlist to continue in said Service during said time, And that his Excellency be desired to use such of the Whaleboats as he shall think necessary for the Service aforesaid.

The Committee having also prepared the draft of an Address to his Excellency presented and submitted the same.

(Signed) *per* Order of the Com^{tee} BENJ^A LYNDE

Read and

Ordered That this Report be accepted. [*Passed June 9.*]

CHAPTER 38.

VOTE ESTABLISHING PAY AND SUBSISTENCE FOR GARRISONS AT PENOBSCOT, GEORGES AND PEMAQUID.

Voted that there be pay & Subsistence granted for One Captain two Lieutenants four Sergeants four Corporals One Armourer One Drummer & Eighty Seven privates at Penobscot together with the Garrisons at Georges and Pemaquid Fort and that S^d Officers & soldiers pay commence on the first of August next & Continue Until the Tenth of Sept^r following and at the same rates that are allowed to officers & Soldiers in the several Garrisons on the Frontiers And that his Excell^{cy} the Captain General be desired to Enlist the same as Soon as may be. [*Passed June 9.*]

CHAPTER 39.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETⁿ OF PROPRIETORS NEAR RUTLAND, AND APPOINTING A NEW COMMITTEE.

THE COMMITTEE appointed yesterday to consider the petition of the proprietors or Inhabitants of certain Farms between Lancaster and Narragansett N^o 2. contiguous to Rutland East Wing made report that they had heard the parties for & against the petition, and were of Opinion, that in order to have a clear understanding of the sundry things mentioned in said petition a Committee be

Legislative
Records of the
Council, xxiii.,
29.

Legislative
Records of the
Council, xxiii.,
6, 8, 12 *bis*.
House Jour-
nal, p. 34.
Ante, p. 296,
chap. 214.

Legislative
Records of the
Council, xxiii.,
31. Mass.
Archives,
lxxviii., 548.

House Jour-
nal, p. 34.
Supra, chap.
37.

Legislative
Records of the
Council, xxiii.,
31. Mass.
Archives,
cxvii., 444.

Legislative
Records of the
Council, xxii.,

524; xxiii.,
21. House
Journal, pp. 30,
31, 35. Prov-
ince Laws, iv.,
342, note.
Ante, p. 295,
chap. 213.

appointed and sent by this Court to view the Farms and the East Wing abovementioned and report to this Court, The Charge of this Committee to be borne as this Court shall hereafter order.

(Signed) SAM^L WATTS *p* order.

In Council Read and

Ordered that this Report be Accepted, and that Gamaliel Bradford Esq^r with such as the Hon^{ble} House shall appoint be a Committee for the purposes therein mentioned.

In the House of Representatives

Read and Concur'd and M^r Witt & Col^o Gerrish are joined in the Affair. [*Passed June 9.*]

CHAPTER 40.

Legislative
Records of the
Council, xxiii.,
31.

VOTE TRANSFERRING £500 FROM APPROPRIATION FOR GRANTS TO APPROPRIATION FOR PAY OF THE FORCES.

House Jour-
nal, p. 31.
Province
Laws, iv., 161,
chap. 4; 199,
chap. 28; 269,
chap. 8. *Ante*,
p. 293, chap.
207.

THE APPROPRIATION for the pay of the Forces raised on the late Alarm together with two Transfers for that purpose being all drawn out, and a further Transfer being necessary Therefore

Voted That a further Transfer of Five hundred pounds be made from the Appropriation for the pay of the Grants to be made in the year. 1758. to the Appropriation for paying those who Marched On the Alarm in 1757. [*Passed June 9.*]

CHAPTER 41.

ORDER ALLOWING £1. 18. 4 TO JEREMIAH BALL, JUN^R.

Legislative
Records of the
Council, xxiii.,
32. Mass.
Archives,
lxxviii., 515.

A PETITION of Jeremiah Ball jun^r of Townshend, praying that he may be allowed for billeting himself on the Road, as he went to join the Army at the Westward, as a Soldier in the pay of this province in the year. 1758.

Mass.
Archives,
lxxviii., 514.
House Jour-
nal, pp. 30, 33.

Read and

Ordered that Col^o Lawrence be allowed to recieve out of the publick Treasury for the Use of the Pet^r One pound eighteen Shillings and four pence in answer to the Petⁿ. [*Passed June 9.*]

CHAPTER 42.

ORDER ALLOWING £5 AND VOTE ALLOWING £5 ADDITIONAL PER ANNUM TO THE £5 ALREADY GRANTED TO AMOS HOWARD.

Legislative
Records of the
Council, xxiii.,
32. Mass.
Archives,
lxxviii., 505.

A PETITION of Amos Howard of Ipswich, setting forth That being a Soldier in the pay of the province the last year, the Bone of his Right Arm was so broken by a Ball at the Action near Ticonderoga, that he apprehends it must be cut off; And thankfully acknowledg- ing the Allowance already made him by this Court; praying some further Allowance may be made him.

Mass.
Archives,
lxxviii., 504.
House Jour-
nal, p. 33.

Read and

Ordered that Coll Epes be allowed to receive five pounds out of the publick Treasury for the use of the Pet^r in consideration of his Sufferings mentioned. *Ante*, p. 325, chap. 277.

Voted also that five pounds per annum be added to the five pounds already granted, making ten pounds per Annum in the whole to the Pet^r during the Court's Pleasure. [*Passed June 9.*]

CHAPTER 43.

ORDER DIRECTING THE PROVINCE TREASURER TO TAKE OFF STOPPAGE ON GUN BELONGING TO OXENBRIDGE THACHER.

A PETITION of Oxenbridge Thacher of Middleborough, setting forth That being out in his Majesty's Service in the pay of the province on the Crown point Expedition in 1756. He lost his Gun coming down the River with the Invalids, on Account whereof there is a Stoppage of Four pounds from his Wages, That he hath bought a Gun and returned it to the Commissary; And praying that said Stoppage may be taken off.

Read and

Ordered that the Prayer of the Petⁿ be granted and that the Treas^r be directed to take off the stoppage accordingly. [*Passed June 9.*]

Legislative
Records of the
Council, xxiii.,
33. Mass.
Archives,
lxxviii., 554.

Mass.
Archives,
lxxviii., 554.
House Jour-
nal, pp. 23, 24,
33. Province
Laws, xv., 695,
chap. 416.

CHAPTER 44.

ORDER ALLOWING £5. 17 TO CAPT. SAM^L THACHER.

A PETITION of Samuel Thacher of Middleborough, setting forth That he was a Captain in Col^o Gridley's Regiment in 1756. That he enlisted divers Men as privates in the Service who afterwards received Commissions as officers for which reasons his Inlistments were not allowed; And praying that he may receive the Bounty Money he paid them and the premium for inlisting

Read and

Ordered that the Prayer of this Petⁿ be granted and the Treas^r is directed to pay the Pet^r five pounds seventeen shillings accordingly. [*Passed June 9.*]

Legislative
Records of the
Council, xxiii.,
33. Mass.
Archives,
lxxviii., 208.

Mass.
Archives,
lxxviii., 207.
Legislative
Records of the
Council, xxi.,
249. House
Journal, pp. 23,
24, 33. Prov-
ince Laws, xv.,
671, chap. 358.

CHAPTER 45.

ORDER IMPOWERING JOSHUA EPHRAIM, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joshua Ephraim of Natick Indian, setting forth that having been two years in his Majesty's Service, he was while in the Army seized with a fever which settling in one of his Arms hath rendered it for a long time useless, and it is now apprehended necessary to have it cut off, That he hath fifteen Acres of uncultivated Land in said Natick, for one half of which he is indebted to his Brethren, and praying that he may be impowered to Sell said

Legislative
Records of the
Council, xxiii.,
34. Mass.
Archives,
xxxiii., 105.

Mass.
Archives,
xxxiii., 104.
House Jour-
nal, pp. 29, 33,

34. *Ante*,
p. 241, chap. 76,
note.

fifteen acres of Land for the payment of said Debt, and other Debts contracted by Sickness, and that such other Relief may be granted him as this Court shall think proper.

Read and

Ordered that the prayer of this Petⁿ be so far granted as that the Pet^r be impowered (with the Assistance of the Guardians of the Natick Indians) to make Sale of the fifteen Acres of land mentioned. That the Money arising by said sale be put into the Hands of the said Guardians to be by them applied for the payment of the said Joshua's Just Debts and the overpluss if any there be be applied for the said Joshua's Support and Maintenance. [*Passed June 9.*]

CHAPTER 46.

ORDER ALLOWING 40/ TO THO^s PHINNEY, JUN^r.

Legislative
Records of the
Council, xxiii.,
34. Mass.
Archives,
lxxviii., 535.

Mass.
Archives,
lxxviii., 535.
House Jour-
nal, pp. 25, 32.

A PETITION of Thomas Phinney jun^r of Barnstable, setting forth That his Son Josiah Phinney a Minor was a Soldier in the Pay of the Province on the Canada Expedition last year, that he was sent home on Furlough being Sick, and arrived the latter end of September, and continued Sick for two months after, That He is made up in the Muster Roll to the 3^d of October and no longer, and praying he may receive Wages till the Army was dismissed.

Read and

Ordered that Cap^t Bacon be allowed out of the publick Treasury for the Use of the Pet^r forty Shillings in full consideration for his son's Wages and Sickness mentioned. [*Passed June 9.*]

CHAPTER 47.

ORDER ALLOWING £2.6 AND A FURTHER SUM OF £3 TO JOSEPH HOULTON.

Legislative
Records of the
Council, xxiii.,
35. Mass.
Archives,
lxxviii., 517.

Mass.
Archives,
lxxviii., 517.
House Jour-
nal, pp. 20, 32.

A PETITION of Joseph Houlton¹ of New Salem, setting forth That his Son Joseph a Minor was impressed in the Crown point Expedition in 1756. and Marched under Capt. Whetcomb to Albany where he Sickned and Died before he was embodied in any Company, and so is not made up in any Muster Roll, And praying an Allowance for 39 days Service and the Charge of his Sickness.

[Read and]

Ordered that the Sum of two pounds Six Shillings be paid out of the publick Treasury for the Pet^r's Sons Wages.

Ordered also that the further Sum of three pounds be paid him out of the publick Treasury for² his said Son's Wages. [*Passed June 9.*]

¹ The House Journal, p. 32, reads, "Moulton."

² The House Journal, p. 32, reads, "Charges of Horse-hire, Expences for Nurses &c. mentioned."

CHAPTER 48.

ORDER DIRECTING SELECTMEN OF EASTON TO PROVIDE FOR THE FAMILY OF CHARLES MEUSE.

A PETITION of Charles Meuse one of the late French Inhabitants of Nova Scotia setting forth That he is placed at Easton is 60 years old and very infirm, has with him only his Wife and a little daughter, that they receive from the Selectmen only three pints of Skim milk a day, and are in danger of Suffering; And praying relief.

Read and

Ordered that the select men of the Town of Easton provide for the Family within mentioned agreeable to the Order of this Court for providing for the French Neutrals: [*Passed June 9.*]

Legislative
Records of the
Council, xxiii.,
36. Mass.
Archives,
xxiv., 197.

Mass.
Archives,
xxiv., 196.
House Jour-
nal, pp. 27, 34.
Province
Laws, iv., 102,
note. *Ante*,
p. 163, chap.
377; p. 191,
chap. 441.

CHAPTER 49.

ORDER ALLOWING £14. 14. 9½ AND A FURTHER SUM OF £6. 16. 7 TO WM PECKHAM.

A PETITION of William Peckham of Dartmouth, setting forth That his Servant Abner Elisha an Indian inlisted the last year in the pay of this Province on the Canada Expedition, That he returned home infected with the Small pox and during his Illness he expended on him £6. 16. 7 nor has he been well since; That the Petitioner cannot find that his said Servant is made up in any Muster Roll; And praying he may have an Order for his Wages, and be allowed the Charge of his Sickness.

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury the Sum of fourteen pounds fourteen Shillings and Nine pence half penny for his servants Wages within named, in the Year 1758

And that the further sum of Six pounds Sixteen Shillings and seven pence be also paid out of the publick Treasury for his Expences upon his said Serv^t whilst Sick. [*Passed June 9.*]

Legislative
Records of the
Council, xxiii.,
36. Mass.
Archives,
xxxiii., 110.

Mass.
Archives,
xxxiii., 109.
House Jour-
nal, pp. 17, 33.

CHAPTER 50.

ORDER ALLOWING £9 TO MARY HOWARD.

A PETITION of Mary Howard Relict Widow of John Howard late of Stoughton deceased, Setting forth That her said Husband was an inlisted Soldier in Capt. Arbuthnot's Company in 1757. and being Sick at Fort Edward was sent to Albany in a Waggon about the 7 of August, but whether he ever arrived at Albany is uncertain, yet so it is, the said John is made up as a Deserter whereby She is deprived of his Wages; And praying relief.

Read and

Ordered that M^r Bayley be allowed to recieve out of the publick

Legislative
Records of the
Council, xxiii.,
36. Mass.
Archives,
lxxviii., 412.

Mass.
Archives,
lxxviii., 412.
House Jour-
nal, pp. 24, 33.

Treasury the sum of Nine pounds for the Use of the Pet^r in consideration of the Wages due to her late Husband Deceas'd. [*Passed June 9.*]

CHAPTER 51.

RESOLVE DIRECTING THE REMOVAL OF FRENCH PEOPLE FROM MILTON TO HULL.

Legislative
Records of the
Council, xxiii.,
13. Mass.
Archives,
xxiv., 215.

House Jour-
nal, p. 352
(April, 1759);
p. 35^a.

AN ORDER having passed the two Houses on 21 April last,¹ for the removal of Alexis Brown² one of the French Neutrals so called and his family consisting of eight persons from the Town of Milton to Hull, which Order was casually omitted being laid before the Governour for his Consent.

Resolved that the foregoing Order be revived, and that the Selectmen of the Towns of Milton and Hull be directed to conform themselves accordingly. [*Passed June 11.*³]

CHAPTER 52.

ORDER ALLOWING £5. 5 TO SAM^L BRECK.

Legislative
Records of the
Council, xxiii.,
37. Mass.
Archives,
lxxviii., 391.

Mass.
Archives,
lxxviii., 391.
House Jour-
nal, pp. 25, 33.

A PETITION of Samuel Breck of Sheffield, setting forth That at the desire of Major John Ashley he went as Surgeon to those of the Militia that went to the Relief of Fort William Henry in the year. 1757. and tarried during their Encampment at Fort Edward in that Capacity, But that through some Mistake, He was not made up in any Muster Roll; And praying Relief.

Read and in answer to this Pet^a

Ordered that Cap^t Hubbell be allowed to recieve out of the publick Treasury for the Use of the Pet^r the Sum of five pounds five Shillings in full for his Service mentioned. [*Passed June 11.*]

CHAPTER 53.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
37.

Mass.
Archives,
lxxviii., 38, 149,
200, 235, 279, 476,
479, 490, 491, 518,
519, 522.
House Jour-
nal, p. 28.

Voted That the Sum of One pound fourteen shillings be paid out of the publick Treasury to M^r Perley for the Use of Deliverance Emery; and One pound eight shillings to Mary Peabody; To Capt. Hubbell for the Use of James Galensha One pound eighteen shillings; To M^r French for the use of Daniel Sumner Three pounds eleven shillings; To M^r Fletcher for the Use of Samuel Trull Two pounds ten shillings; To Capt. Sprout for the Use of Abner Barrow Two pounds sixteen shillings; and for the Use of Hannah Curtis Two pounds; To M^r Lancaster for the Use of Francis Palmer Three pounds six shillings; To M^r Turner for the Use of Abel Stetson Three pounds, and for the Use of Isaac McFarland Three pounds 19/10. To M^r Billing for the Use of Jonathan Field Two pounds 11/4. To Major Hartwell for the Use of Thomas Symonds Two

¹ Not found in Legislative Records of the Council.

² The House Journal, p. 352, April, 1759, reads, "*Alexis Burn.*"

³ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 6.

pounds $1\frac{1}{2}$ ^d To Col^o Cotton for the Use of John Swift Thirty shillings; To Capt. Sprout for the Use of Consider Chase Six pounds, and for the Use of Thomas Miller Three pounds $\frac{1}{4}$. To Col^o Marcy for the Use of William Chubb Three pounds sixteen shillings, and for the Use of Henry Hooker Three pounds sixteen shillings; To Capt. King for the Use of Rebecca Harbuck Three pounds sixteen shillings; To Capt. Davis for the Use of Benjamin Davis Thirty shillings; To Capt. Day for the Use of John Barrow Three pounds $\frac{8}{8}$. To Col^o Partridge for the Use of John Marshall Forty shillings and for the Use of Robert King Three pounds ten shillings and nine pence, and to Col^o Lawrence for the Use of Joseph Baker Two pounds $\frac{11}{4}$. To Capt. Kidder Three pounds for the Use of Samuel Dow; To Col^o Ward for the Use of Dorcas Hapgood One pound sixteen shillings and two pence; To Isaac Shepherd Four pounds.
[*Passed June 12.*]

CHAPTER 54.

ORDER DIRECTING THE COLLECTOR OF EXCISE NOT TO PROSECUTE JERE. GREEN.

A PETITION of Jeremiah Green Esq^r setting forth That one Thomas Stinson a person admitted a Retailer of Rum &c. in the Town of Boston, is employed by the Petitioner to Manage the Affairs of his Distill-house, and apprehending that by his Licence he was at liberty to Sell Rum and other distilled Liquors from said Still house, accordingly so did, and kept a particular Account of the same, and rendered said Account to the Collector of Excise, and is ready to pay the Duty according to Law; That John Hill Esq^r and two others Retailers and permitted persons received of said Stinson, Three hogsheads of Rum, and in their Account exhibited by Mistake that said Rum was bought of the Petitioner, when in fact it was bought of said Stinson and he has rendered an Account thereof to the Collector as Sold to them, Yet M^r Thomas Fletcher the Collector thinks himself bound by his Oath to prosecute the Petitioner for Selling said Rum contrary to Law, although he is at the same time satisfied there was no design to defraud the Government of the Duty, and has certified that the same has been paid Therefore praying Relief.

Read and

Ordered that the Collector of Excise be directed not to prosecute the Pet^r Provided He duely pays the Excise to him for the Rum mentioned the Omission in presenting His Acc^t notwithstanding.
[*Passed June 12.*]

Legislative
Records of the
Council, xxiii.,
39. Mass.
Archives, cxx.,
303.

Mass.
Archives, cxx.,
301. House
Journal, p. 37.
Province
Laws, iv., 201,
chap. 29; 239,
note.

CHAPTER 55.

ORDER APPOINTING A COMMITTEE FOR BURNING GOVERNMENT SECURITIES.

In the House of Representatives;

Ordered That M^r Russell, Col^o Ward, M^r Paine, M^r Boardman, and M^r Tyng with such as the honourable Board shall appoint be a Committee to repair to the Treasurers office, take an Account of the Governments Securities now in his hands, reduce them to Ashes, and report their proceedings herein to this Court as soon as may be.

Legislative
Records of the
Council, xxiii.,
39.
House Jour-
nal, p. 35.

In Council; Read and Concurred, and John Osborne, Jacob Wendell, Samuel Watts and Ichabod Plaisted Esq^r are joined in the Affair. [*Passed June 12.*]

CHAPTER 56.

ORDER IMPOWERING EBENEZER & SAM^L HINSDALE TO BRING AN ACTION FOR DAMAGES TO THEIR PROPERTY BY THE LAYING OUT OF HIGHWAYS.

Legislative
Records of the
Council, xxiii.,
51. Mass.
Archives,
cxxi., 354.

Mass.
Archives,
cxxi., 353.
House Jour-
nal, pp. 37, 38.

A PETITION of Ebenezer Hinsdale and Samuel Hinsdale of Deerfield; setting forth That the Justices of the Quarter Sessions in the County of Hampshire had laid out two Highways from Deerfield to Sunderland, one at the South end the other at the North end of the Sugar Loaf Mountain, both which pass through the Petitioners Lands, which was done when the Petitioners were not in those parts of the Countrey to apply seasonably to the Sessions for a consideration, That it is now judged by many that it would be needless to lay out the Road at the North end; And praying that they may be relieved.

Read and

Ordered that the Pet^s be allowed to make application to the next Court of Gen^l Sessions of the Peace for the County of Hampshire for a Recompence for the Damage done them in their property by laying out the Road mentioned in as full a manner as they might have done to the sessions held for said County next after the return made of said Road. And that the next Court of Gen^l Sessions of the Peace to be held for the County aforesaid be impowered to hear and determine all matters and things relating thereto as effectually as though the Pet^s had applied to said Court in proper time. [*Passed June 12.*]

CHAPTER 57.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO LINE BETWEEN NATICK AND NEEDHAM, APPOINTING A NEW COMMITTEE.

Legislative
Records of the
Council, xxiii.,
14, 41.

Legislative
Records of the
Council,
xxii., 609.
House Jour-
nal, p. 346
(April, 1759);
p. 26.

A PETITION of John Coolidge and others, a Committee of the parish of Natick, praying that a Committee be appointed to perambulate the Line between said parish and the Town of Needham.

The Committee appointed the 7th Instant, on the Petition of John Coolidge and others, a Committee of the Parish of Natick; praying for a Committee to perambulate the Line between said Parish and the Town of Needham, Reported as their Opinion, That a Committee of both Houses be appointed to repair to the Lands mentioned in the Petition, view the same, settle a Line and make report.

In Council; Read and

Ordered That the within Report be accepted and that William Brattle Esq^r with such as the honourable House shall appoint be a Committee to repair to the Lands for the purposes mentioned.

In the House of Representatives; Read and Concurred and Col^o Clap and Col^o Marcy are joined in the Affair. [*Passed June 13.*]

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 15.

CHAPTER 58.

ORDER IMPOWERING JOS. CHILDS & MERIBAH CHILDS, EXECUTRIX, TO SELL REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Child of Barnstable and Meribah his Wife as She is Executrix of the Testament of her late Husband Constant Dexter late of Rochester in the County of Plymouth Yeoman deceased; setting forth That upon her making up her Administration Account, there is a Ballance of Nineteen pounds seven shillings due to her, and that there are Debts still unpaid Therefore praying She may be empowered to make Sale of so much of the deceaseds Real Estate as will be sufficient for that purpose.

Read and

Ordered That the prayer of the Petition be so far granted, That the petitioner Joseph Childs and Meribah his Wife in her Capacity within mentioned be and hereby are empowered to make Sale of so much of the Real Estate of her late Husband Constant Dexter deceased as may be sufficient for the payment of his just Debts for the most the same will fetch, they first posting up Notifications of the time and place of Sale according to Law in that case provided; Giving sufficient caution to the Judge of Probate for the County of Plymouth that the proceeds of such Sale shall be applied to the payment of the Debts of the said deceased; and the Overplus thereof (if any there be) be secured to the Heirs of the said deceased according to Law. [*Passed June 13.*]

Legislative
Records of the
Council, xxiii.,
41.

House Jour-
nal, pp. 40, 41,
42. Province
Laws, ii., 151,
chap. 10.

CHAPTER 59.

RESOLVE ALLOWING THE ACCO^{TS} OF THE GUARDIANS OF TITTECUT INDIANS.

THE TWO HOUSES having in their Sessions in April last passed on three Accounts presented by the Guardians of the Titecut Indians allowed the same, and given order respecting the ballance of said Accounts. And having also in their said Session passed on an Account of Josiah Edson Esq who had been appointed by the Great and General Court to make Sale of a Tract of Land belonging to Thomas Felix an Indian of said Titecut, allowed said Account and given order respecting the Ballance which several Accounts & Orders having been put upon the Council Files among other Accounts were not laid before his Excellency the Governor for his Consent.

Resolved That the several Orders of the two Houses on said Accounts be revived, that said Accounts be allowed and that the said Guardians, and the said Josiah Edson be respectively accountable for the several ballances of said Accounts accordingly. [*Passed June 13.*¹]

Legislative
Records of the
Council, xxiii.,
49. Mass.
Archives,
xxxiii, 111.

Legislative
Records of the
Council, xxii.,
618, *ter.*
House Jour-
nal, pp. 38, 39.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 15.

CHAPTER 60.

Legislative
Records of the
Council, xxiii.,
42.

House Jour-
nal, p. 44.
Province
Laws, iv., 199,
chap. 28; 216,
chap. 32; 269,
chap. 8.

VOTE TRANSFERING FROM THE APPROPRIATION FOR BOUNTY, £1000
TO THE APPROPRIATION WHERE THERE IS NO ESTABLISHMENT, AND
ALSO £620. 19 FROM THE APPROPRIATION FOR THE ALARM.

Voted That there be a Transfer from the Appropriation for Bounty in 1758. to the Appropriation where there is no Establishment the sum of One Thousand Pounds; and also a further Transfer from the Appropriation for Bounty in 1758. to the Appropriation for the Alarm the Sum of Six hundred and twenty pounds nineteen shillings. [*Passed June 14.*]

CHAPTER 61.

RESOLVE ALLOWING £200 TO THE GOVERNOR.

Legislative
Records of the
Council, xxiii.,
42. Mass.
Archives, l.,
113.

Legislative
Records of the
Council,
xxiii., 6.
House Jour-
nal, pp. 39, 44.

Resolved that there be granted and paid out of the publick Treasury to His Excellency Thomas Pownall Esq^r the Sum of two hundred pounds in consideration of His Services at Penobscot, and his other extraordinary Services for this Government. [*Passed June 14.*]

CHAPTER 62.

ORDER IMPOWERING SAM^l TALBUT TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxiii.,
43.

House Jour-
nal, pp. 23, 44,
45. *Ante*,
p. 350, chap. 339.
Post, p. 396,
chap. 79.

Ordered That Samuel Talbut be and hereby is impowered to bring a Writ of Review of a plea of Ejectment commenced against him by one George Pitts of Dighton for the Dwelling house and about fourteen Acres of Land where the said Samuel dwells, at the next Superiour Court of Judicature, Court of Assize and General Goal Delivery to be holden at Taunton in and for the County of Bristol on the second Tuesday of October next, And the Justices of said Court are hereby as fully Authorized and impowered to hear and determine said Action, enter up Judgment and award Execution, as if no default had been made thereon; but the same had at the Inferiour Court where said Action originated upon a Demurrer gone against the said Samuel and the same thereupon had been carried up to the Superiour Court and was now depending, or as if the said Writ of Review was commenced upon a Judgment of said Court against the said Samuel after Judgment upon an Appeal. [*Passed June 14.*]

CHAPTER 63.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £3 TO JOB WELD.

Legislative
Records of the
Council, xxiii.,

A PETITION of Job Weld of Charlton; setting forth That he was a Soldier in the pay of the Province in 1758. and so continued 'till

the Forces were dismissed, when he fell lame and was obliged to hire a Horse to bring him home; And further that he returned his Gun at Albany, and took a Receipt for it, which he lost with his pocket book, for which Gun there is Three pounds stopt from his Wages; And praying Relief.

Read and

Ordered in answer to this Petⁿ That the Treasurer be directed to pay to M^r Benj^a Tucker for the Use of the Pet^r the Sum of three pounds out of the publick Treasury. [*Passed June 14.*]

44. Mass. Archives, lxxviii., 337.

Mass. Archives, lxxviii., 336. House Journal, pp. 37, 43, 44. *Ante*, p. 247, chap. 89.

CHAPTER 64.

ORDER ALLOWING £10. 5. 10 TO JOSEPH & SARAH WORMWOOD.

A PETITION of Joseph and Sarah Wormwood; setting forth, That her Son William Evans who was killed the last year at Lake George, had been the preceeding year likewise in his Majesty's Service in the Pay of the Province and continued therein till the latter end of November, at which time he was as he apprehended regularly dismissed, but being returned as a Deserter they cannot receive his Wages without the Aid of this Court, And praying relief:

Read and in Answer

Ordered that the Sum of ten pounds five Shillings and ten pence be paid out of the publick Treasury to the Pet^{rs} in full consideration for the Wages of William Eavens within named. [*Passed June 14.*]

Legislative Records of the Council, xxlii., 44. Mass. Archives, lxxviii., 555.

Mass. Archives, lxxviii., 555. House Journal, pp. 37, 45.

CHAPTER 65.

ORDER ALLOWING £3. 8. 6 TO JAMES BROWN.

A PETITION of James Brown, setting forth, That he was a Soldier in the pay of the province the last year in Col^o Nichols's Regiment, and that he is charged by the Sutlers with £3.8.6 although he never had any-thing of them; And praying Relief.

The Committee appointed the 16 March last on the Petition of James Brown, having reported in favour of the Petitioner that he be paid out of the Publick Treasury the sum of Three pounds eight shillings and six pence charged him by Mistake in the Sutlers Account, and accordingly stopt out of his Wages, Which Report was Accepted by the two Houses on the 17th of said March but was casually not signed by the Governour.

Read and

Ordered That this Report be revived and Accepted.¹ [*Passed June 15.*²]

Legislative Records of the Council, xxlii., 551; xxlii., 43.

Mass. Archives, lxxviii., 158. Executive Records of the Council, xiv., 100. House Journal, p. 290 (March, 1759); p. 47.

¹ The House Journal, p. 47, adds, "and that the Sum of three Pounds eight Shillings & six Pence, be paid out of the public Treasury to Mr. Phillips, for the Use of the Petitioner, accordingly."

² This date is according to the House Journal; according to Legislative Records of the Council the date is June 14.

CHAPTER 66.

ORDER APPOINTING A COMMITTEE TO EJECT TRESPASSERS ON PROVINCE LANDS IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council, xxiii.,
45. Mass.
Archives,
xli., 440.

House Jour-
nal, pp. 47, 51.

Ordered that during the Term of Twelve Months from the day of the date hereof John Worthington and Joseph Hawley be and hereby are authorized and impowered in their Names for & in behalf of the Province to commence and prosecute to Effect Actions of Ejectment against all such Persons as have illegally possessed or shall illegally possess themselves of any of the province Lands in the County of Hampshire and Actions of Trespass against all such persons as have Committed or shall Committ Trespass upon any of the province Lands in said County. [*Passed June 15.*]

CHAPTER 67.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
46.

Mass.
Archives,
lxxviii., 136,
142, 157, 536, 543.
House Jour-
nal, p. 43.

IN THE HOUSE OF REPRESENTATIVES; The house took under Consideration the Petitions of Sick and Wounded Soldiers &c. and the following Vote passed thereon, Viz^t

Voted That there be allowed and paid out of the publick Treasury to M^r Bigelow for the Use of Theophilus Mansfield £4.13.4 And for the Use of James Mirick £2.6.4 and for the Use of Isaac Allen £3.17.4 and for the Use of Bradil Smith £2.1.6 and for the Use of Jonathan Stimson £2.1.6 and for the Use of Daniel Livermore £1.5 and for the Use of Tabitha Wheeler £2.17.8 and for the Use of John Walker £2.10.4 and for the Use of Edward Gearfield £1.15.4 And for the Use of John Beamis £1.5.8 To Capt. Sprout for the Use of Oxenbridge Thacher £8 To Col^o Buckminster for the Use of John Wilson £4 To Capt. Milliken for the Use of David Hall £3.10.8. To M^r Humphreys for the Use of John Shaw £2.7. To Ebenezer Barker for the Use of Daniel Mercer £1.12.10 and for the Use of Samuel Currier £2.9.3 To Major Cushing for the Use of Nicholas Eaton £1.17.4 and for the Use of John Evans £1.10. To M^r Niles for the Use of Thomas French £3. To Capt. Bacon for the Use of James Churchill £3.6. To Capt. Kidder for the Use of Jesse French £3.1.10.

In Council; Read & Concurred. [*Passed June 15.*]

CHAPTER 68.

ORDER REMOVING STOPPAGE ON WAGES FOR A GUN AND ALLOWING £3 TO DANIEL SARTWELL.

Legislative
Records of the
Council, xxiii.,
46. Mass.
Archives,
lxxviii., 553.

Mass.
Archives,
lxxviii., 553.
House Jour-
nal, pp. 40, 47.

A PETITION of William Lawrence Esq^r in behalf of Daniel Sartwell of Groton; setting forth That Abiel Sartwell, Son of the said Daniel, a Soldier in the pay of the Province was killed the last Year in an Engagement near half way Brook and his Gun lost, for which Gun there is Three Pounds stopt from his Wages; And praying Relief.

Read and

Ordered that the Stoppage for said Gun be taken off, and He be paid three pounds out of the Treasury accordingly. [*Passed June 15.* *Ante*, p. 247, chap. 89.]

CHAPTER 69.

ORDER ALLOWING £1. 17. 4 TO BENJAMIN WAITE, JUN^R.

A PETITION of Obadiah Dickinson of Hatfield; setting forth, That he commanded a Company of Militia in the Alarm at the time that Fort William Henry was invested that he made up his Muster Roll according to order, but casually omitted one Benjamin Waite jun^r who was Actually in the Service; And praying he may be allowed the Wages due to him therefor.

Read and

Ordered that the sum of One pound seventeen Shillings and four pence be paid out of the publick Treasury to Benj^a Waite Jun^r it appearing that He was casually omitted in the Muster roll. [*Passed June 15.*]

Legislative
Records of the
Council, xxiii.,
47. Mass.
Archives,
lxxviii., 516.
House Jour-
nal, pp. 40, 47,

CHAPTER 70.

ORDER ALLOWING THE ACCOUNTS OF THE GUARDIANS OF THE PUNKAPOAG INDIANS.

THE ACCOUNT of Robert Spur Esq^r and others Guardians of the Punkapoag Indians, having been laid before the Court for their Allowance.

Read and

Ordered that the within Account be allowed. And that the sum of Six pounds Sixteen Shillings be paid out of the Indian Money to the withinnamed Guardians when recieved by them. [*Passed June 15.*]

Legislative
Records of the
Council, xxiii.,
47. Mass.
Archives,
xxxiii., 90.
Mass.
Archives,
xxxiii., 87–90.
House Jour-
nal, pp. 41, 48.
Ante, p. 241,
chap. 76, note.

CHAPTER 71.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF NEW MARBLEHEAD TO LEVY A TAX.

A PETITION of the Inhabitants of New Marblehead, praying that a Tax may be laid on the Non resident Proprietors Lands in said Township for Supporting the Gospel there, and that the Inhabitants may be impowered to raise Money for the Support of a School and other publick Uses.

The Committee appointed the 13 Instant on the Petition of The Inhabitants of New Marblehead Reported, That they had considered the same, and were of Opinion That the Said Inhabitants be impowered to levy a Tax on all the Lands in Said Township of One penny half penny ~~per~~ Acre for three years, the said Tax to be applied towards building a Meeting house and Settling a Minister and building a School house and hiring Schoolmasters and other things for

Legislative
Records of the
Council, xxii.,
42, 47. Mass.
Archives,
cxvii., 424.
Legislative
Records of the
Council, xxii.,
448. House
Journal,
pp. 171, 263
(January,
1759); pp. 42, 50.

the benefit of said Township, and that they also be impowered to settle the Bounds of said Township with the Town of Falmouth.

(Signed.) SAM^r WATTS p order

Read and Accepted. And

Ordered That the Petitioners have liberty to bring in a Bill accordingly. [*Passed June 15.*]

CHAPTER 72.

ORDER ALLOWING £5.8 TO JOSEPH PEPPER, ADM^r.

Legislative
Records of the
Council, xxiii.,
48. Mass.
Archives,
lxxviii., 503.

Mass.
Archives,
lxxviii., 502.
House Jour-
nal, pp. 43, 49,
50.

A PETITION of Joseph Pepper Administrator &c. of Robert Pepper deceased; setting forth That the said Robert was a Soldier in the year. 1758. in Capt. Knowles's Company in Col^o Doty's Regiment, and died in the Service about 27 July, all which appears by the Muster Roll, yet by some Mistake his Wages are not carried out; And praying an Order for the same.

Read and in answer

Ordered that the Sum of five pounds eight Shillings be paid out of the publick Treasury to the Pet^r for the Use of the Heirs of the said Robert Pepper Dec'd. [*Passed June 15.*]

CHAPTER 73.

ORDER ALLOWING £1.10 TO JOSEPH WRIGHT.

Legislative
Records of the
Council, xxiii.,
48. Mass.
Archives,
lxxviii., 558.

Mass.
Archives,
lxxviii., 557.
House Jour-
nal, pp. 45, 49.

A PETITION of Joseph Wright of Woburn; praying an Allowance for the charge of bringing his Son home Sick from the Army, and for the time he was made up short in the Muster Roll, and also for a Gun he lost in the Service.

Read and in Answer

Ordered that the Pet^r be paid out of the publick Treasury One pound ten shillings in full consideration for the Services within mentioned. [*Passed June 15.*]

CHAPTER 74.

VOTE ORDERING THAT A HOSPITAL BE BUILT AT GREEN BUSH ON HUDSON RIVER.

Legislative
Records of the
Council, xxiii.,
48. Mass.
Archives,
lxxviii., 556.

House Jour-
nal, pp. 38, 50.
Ante, p. 303,
chap. 229.

Voted that a Hospital be built at Green Bush on Hudson's River for the reception of the Sick that may return from the Army which belong to this Province.

That the said Hospital be built Sixty feet long and fifteen wide with proper accomodations for the Sick.

And that the Commissary Gen^l be directed to employ some suitable Person to perform the Same. [*Passed June 15.*]

CHAPTER 75.

ORDER REFERRING ALL UNFINISHED MATTERS.

Ordered that all Matters now before this Court & which shall not be passed upon this Session have the same day at the next Session of this Court. [*Passed June 15.*]

Legislative
Records of the
Council, xxlii.,
49.
House Jour-
nal, p. 50.

CHAPTER 76.

ORDER DIRECTING THE COMMITTEES APPOINTED TO FARM EXCISE TO PROCEED IN THAT BUSINESS.

Ordered That the several Committees appointed by this Court the last year to farm out the Excise upon Tea, Coffee &c. within the several Counties in the Province proceed in that business as soon as may be. [*Passed June 15.*]

Legislative
Records of the
Council, xxlii.,
49.
House Jour-
nal, p. 46.
Ante, pp. 252,
253, 254, chaps.
98–108; p. 334,
chap. 298.

CHAPTER 77.

VOTE TRANSFERRING £500 FROM APPROPRIATION FOR BILLETING TO THE APPROPRIATION FOR THE PROVINCE SHIP.

Voted That there be a Transfer from the Appropriation for Billetting to the Appropriation for the Ship for the Sum of five hundred Pounds. [*Passed June 15.*]

Legislative
Records of the
Council, xxlii.,
50.
House Jour-
nal, p. 51.
Province
Laws, iv., 269,
chap. 8.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRD DAY OF OCTOBER, A.D. 1759.

CHAPTER 78.

ORDER GRANTING TO SAMUEL LEE FURTHER TIME TO ENTER A
RECOGNIZANCE.

Legislative
Records of the
Council, xxiii.,
55. Mass.
Archives, cxx.,
307.

Mass.
Archives, cxx.,
306. House
Journal, p. 60.

A PETITION of Samuel Lee of Manchester in the County of Essex Gentleman, Setting forth, That being concerned in the Fishery he hath for many years last past been licensed to sell Spirituous Liquors, and was duly approbated by the Court of General Sessions of the Peace held in said County in July last, and licensed for that purpose, but being infirm and unable to attend himself to enter into Recognizance as the Law directs, he neglected the same. And praying that he may still be Allowed to recognize, or that he may be otherwise releived

Read and

Ordered that the Prayer of the within Pet^a be granted and that the Pet^r be allowed the further time of thirty Days from this time to enter into such Recognizance as He ought to have entred into within the thirty Days immediately following the Grant of the Licence aforesaid.

And that the same Recognizance shall be as good to all intents and purposes as if it had been entred into within the time by Law appointed for that purpose. [*Passed October 4.*]

CHAPTER 79.

ORDER ADJOURNING THE COURTS OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxiii.,
56.

House Jour-
nal, p. 57.
Province
Laws, iii., 999,
chap. 16.

WHEREAS the Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery which by Law is to be held at Taunton in the County of Bristol on the Second Tuesday of October instant, and others are Members of the General Court, and the important Affairs of the Province require their Attendance thereon. Therefore

Ordered That said Court be Adjourned to the last Tuesday of October current, and that all Matters and Things that might have day at said Court on the said Second Tuesday of October, shall be heard and tried on the said last Tuesday of October, and that all Officers and other persons concerned in said Courts conform themselves accordingly. [*Passed October 4.*]

CHAPTER 80.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINA WARE, FOR THE COUNTY OF YORK AND ALLOWING £2.15 FOR THE EXPENSE THEREOF.

A REPORT OF THE COMMITTEE appointed to farm out the Excise on Coffee, Tea and China Ware, [for the County of *York*]¹ who had Sold the same to James Sayward for the sum of Forty five pounds six shillings, with an Account of the Committees charge [for] Selling the same.

Read and

Ordered That this Report be accepted, and the Committee are allowed the sum of Two pounds fifteen shillings² to be paid them out of the publick Treasury accordingly. [*Passed October 4.*]

Legislative
Records of the
Council, xxiii.,
57.

House Jour-
nal, p. 60.

CHAPTER 81.

ORDER OF NOTICE ON THE PETITION OF THE INHABITANTS OF THE PLANTATION CALLED NARRAGANSETT N^o 2, TO BE ERECTED INTO A DISTRICT, TO BE EXEMPTED FROM PROVINCE TAX AND TO HAVE LIBERTY TO TAX THE LAND OF NON-RESIDENT PROPRIETORS.

A PETITION of Joseph Holden and others Inhabitants of a New Plantation called N^o 2. praying that they may be incorporated into a Town or District, and that they may be freed from the province Tax this year in case they shall be thus incorporated; Also praying that the Lands of the Non Resident proprietors may be subjected to a Tax for Seven years next ensuing towards the Support of the Gospel, and laying out and clearing Roads in said Plantation.

Read and

Ordered that the Pet^{rs} serve the Nonresident Prop^{rs} of the Plan- tation abovementioned with a Copy of this Petⁿ by inserting the Substance thereof in one of the Boston News papers three Weeks successively That so they may shew cause if any they have on the Second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. [*Passed October 5.*]

Legislative
Records of the
Council, xxiii.,
59. Mass.
Archives,
cxvii., 511.

Mass.
Archives,
cxvii., 510.
House Jour-
nal, p. 61.
Province
Laws, iv., 340,
note; v., 279,
note.

CHAPTER 82.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

THE ACCOUNT of John Cotton Treasurer of the County of Plym- outh for the year. 1758. being presented to the Court for their Allowance.

Read and

Ordered That the within Account be allowed, except the 4th Article of thirteen shillings, for which Sum there is no Voucher. And that the within named Treasurer be discharged of the Sum

Legislative
Records of the
Council, xxiii.,
60.

House Jour-
nal, pp. 15, 60.

¹ Inserted from the House Journal, p. 60.

² The House Journal, p. 60, reads, £2. 15. 4.

of Eighty nine Pounds three shillings and eleven pence half penny; And that the said Treasurer be further Accountable to the said County for the ballance thereof being Fifteen pounds nineteen shillings and three pence half penny. [*Passed October 5.*]

CHAPTER 83.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative
Records of the
Council, xxiii.,
60.

House Jour-
nal, p. 15, 61.

THE ACCOUNT of Jeremiah Moulton Treasurer for the County of York for the year. 1758. being presented to the Court for their Allowance.

Read and

Ordered that the within Account be allowed, and that the within named Treasurer be discharged of the Sum of One hundred and twenty eight pounds ten shillings and nine pence (the whole Sum due to said County) and that the said County be accountable to the Treasurer for the sum of Twenty three pounds and nine pence, which the said Treasurer has advanced for the said County. [*Passed October 5.*]

CHAPTER 84.

VOTE TO INLIST OR IMPRESS 13 MEN FOR FORT HALIFAX.

Legislative
Records of the
Council, xxiii.,
62.

Mass.
Archives,
lxxviii., 559.
House Jour-
nal, p. 64.
Ante, p. 328,
chap. 284.

AS THE TIME is expired for which a number of the Garrison at Fort Halifax inlisted

Voted That there be a Bounty of Five Dollars paid to each Person that shall inlist for one year in lieu of the Thirteen who have desired to be discharged from that Service; And in case a sufficient number shall not inlist upon this Encouragement, that his Excellency be desired to give Orders for an Impress. [*Passed October 6.*]

CHAPTER 85.

ORDER IMPOWERING JOHN OSBORNE, ADM^r, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiii.,
63. Mass.
Archives, xix.,
693.

Mass.
Archives, xix.,
692. House
Journal, p. 68.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Osborne Esq^r Administrator of the Goods and Estate of Abiel Walley late of Boston Shopkeeper deceased Setting forth, That the Estate has been represented Insolvent, and Commissioners have been appointed accordingly.

That said Walley died seized of some Real Estate for which divers Purchasers now appear and that it might be a prejudice to the Sale should it be delayed till the Superiour Court shall Sit in the County of Suffolk; And praying that the said Court at their next Term in the County of Essex may be impowered to give liberty for the Sale of said Estate in like manner as they are by Law impowered to do in the County of Suffolk where the Estate lies.

Read and

Ordered that the Prayer of this Petⁿ be granted and that the Jus-

tices of the Sup^r Court are allowed and impowered at their Session to be holden at Salem the third tuesday of October Curr^t to give liberty (if they See cause) to the Pet^r in his capacity within mentioned to make Sale of the real Estate within mentioned for the most the same will sell for. He first giving publick Notice of the Sale agreeable to Law in that case provided and giving sufficient Caution to the Judge of Probate for the County of Suffolk to dispose of the proceeds of said Sale according to Law. [*Passed October 9.*]

CHAPTER 86.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

THE ACCOUNT of Zaccheus Mayhew, County Treasurer for Dukes County having been presented to this Court for their Allowance.

Read and

Ordered, That the within Account be allowed, and that the Treasurer within named be discharged of the Sum of One hundred and Eighty one Pounds fourteen shillings and seven pence, And that the said Treasurer be further Accountable to the said County for the ballance thereof being Eighteen pounds eight shillings and eleven pence. [*Passed October 9.*]

Legislative
Records of the
Council, xxiii.,
64.

House Jour-
nal, pp. 15, 67.

CHAPTER 87.

VOTE DIRECTING THE MANAGERS OF THE LOTTERY TO ACCOUNT AND PAY INTO THE TREASURY THE SUM RECEIVED FOR TICKETS SOLD.

WHEREAS an Act pass'd in the 31st year of his present Majesty's Reign, Intitled "An Act for supplying the Treasury with a Sum of money by Lottery" prov'd abortive,

Voted that the Managers appointed for said Lottery do forthwith return an account to the province Treasurer certifying the number of tickets by them sold and pay into the Treasury any Sum or Sums of money which they may have received for said tickets, and that the Treasurer be directed to pay the same unto the possessors as they may appear to demand it and that The Treasurer when he shall have rec^d Said money shall advertise the Same in one or more of the Boston weekly news papers. Three weeks Successively. [*Passed October 10.*]

Legislative
Records of the
Council, xxiii.,
68. Mass.
Archives, clii.,
714.

House Jour-
nal, p. 73.
Province
Laws, iv., 88,
chap. 35; 142,
note. *Ante*,
p. 225, chap. 40.

CHAPTER 88.

ORDER REFERRING ALL UNFINISHED MATTERS.

Ordered That all Petitions and other Matters of a private Nature that had day in the present Session of the General Court and have not been passed upon be referred to the next Sitting of this Court, and that they [have]¹ like day therein as was Assigned them respectively in the present Session. [*Passed October 10.*]

Legislative
Records of the
Council, xxiii.,
68.

House Jour-
nal, p. 76.

¹ Inserted from the State Library copy, Legislative Records of the Council, xxiii., 78.

CHAPTER 89.

ORDER DIRECTING THAT THE FRENCH NEUTRALS BE WATCHED.

Legislative
Records of the
Council, xxiii.,
62. Mass.
Archives,
xxiv., 225.

House Jour-
nal, p. 84.
Province
Laws, iv., 102,
note.

HIS EXCELLENCY having acquainted the Board, that he hath received Information from Major General Wolfe, that there is a correspondence carried on between some of the late French Inhabitants of nova Scotia now in this Province, and the French in Canada, and that some of the said nova Scotians have deserted the Province and got to Canada.

Ordered That the Selectmen of the several Towns where any of the said People have been placed strictly observe their behaviour, And that they return as soon as possible into the Secretary's Office perfect Lists of all such French people as are now in their respective Towns, and also of such as they have any Reason to think have removed out of the Province, or have any ways absented themselves from the Towns where they have been placed by the Government. [*Passed October 11.*¹

CHAPTER 90.

ORDER IMPOWERING JOSEPH MARSHALL, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
69.

House Jour-
nal, pp. 78, 79.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Joseph Marshall of Sherburne in the County of Nantucket, Administrator of the Estate of Paul Pease late of said Sherburne deceased, Insolvent, praying that the Superiour Court at their Session at Salem in the County of Essex in October next may be empowered to give liberty for the Sale of the deceaseds Real Estate apprizd at Twenty eight pounds in order to pay his just debts.

Read and

Ordered That the prayer of the petition be granted, and the Justices of the Superiour Court of Judicature be and they hereby are allowed and empowered at their next Session either at Salem or Taunton to grant the petitioner a Licence to Sell the Real Estate of the within mentioned deceased, for the most the same will Sell for, He giving previous Notice of such Sale in time and manner as the Law in that case directs; And giving due caution to the Judge of Probate for the County of Nantucket that the proceeds of such Sale shall be applied for discharging the just debts of the deceased. [*Passed October 11.*

CHAPTER 91.

ORDER ALLOWING £170 TO THO^S CLARKE, DEP. SECY.

Legislative
Records of the
Council, xxiii.,
69.

House Jour-
nal, pp. 221, 223.

A MEMORIAL of Thomas Clarke Deputy Secretary praying an Allowance for his Service in said Office, He having received nothing from the Government on that Account since the Grant made him in January. 1758.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 6.

Read and

Ordered That the sum of One hundred and Seventy pounds be allowed and paid out of the publick Treasury to M^r Thomas Clarke Deputy Secretary For his Services in full to this day. [*Passed October 11.*]

(January, 1759); pp. 19, 63, 79. *Ante*, p. 134, chap. 309.

CHAPTER 92.

ORDER IMPOWERING HANNAH FAY, ADM^{RS}, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Fay Administratrix of her late Husband Silas Fay late of Lincoln deceased, Setting forth That the Superiour Court hath already granted leave to Sell part of her said Husbands Real Estate in order to enable her to pay his debts, but that more debts have since appeared so that the whole of said Real Estate exclusive of her Thirds will not together with the personal Estate be sufficient to discharge the whole of his debts; And praying She may be impowered to Sell the whole Estate, the Overplus to be applied for her benefit and the benefit of her Children.

Legislative Records of the Council, xxiii, 70.

House Journal, pp. 80, 81. Province Laws, ii., 151, chap. 10.

Read and

Ordered That the prayer of this Petition be granted, and that the Petitioner in her said Capacity be and She is hereby authorized and impowered to make Sale of the whole of the Real Estate of the said deceased for the most that may be, and to execute a good and sufficient deed or deeds of Conveyance of the same, previous publick Notice of such intended Sale being given in time and manner as the Law relating to the Sale of Real Estates by Executors and Administrators doth direct One third part of the proceeds of such Sale to be put out at Interest on good Security, such Interest to be for the Use of the Widow during her Natural Life, the remainder of such proceeds to be applied so far as shall be necessary for the payment of the deceaseds just debts provided due caution be first given to the Judge of Probate for the County of Middlesex that the aforesaid third part of the principal Sum be secured for the benefit of the Heirs at law of the said Intestate after the decease of his Widow and that She account with the Judge of Probate for her proceedings in the premisses when thereto lawfully required. [*Passed October 11.*]

CHAPTER 93.

ORDER ACCEPTING REPORT OF COM^{TEE} APPOINTED TO BURN GOVERNMT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £47,875. 18. 3.

THE COMMITTEE appointed to repair to the Treasurers and take an Account of the Government Securities in his hands and see them consumed to Ashes Reported, That they have attended that Service and received of the Treasurer Government Securities payable in June, 1758. amounting to Eight Thousand four hundred seventy six pounds ten shillings and five pence which with the sum of Eight hundred thirty four pounds twelve shillings and four pence paid for Interest amounting to Nine Thousand three hundred eleven pounds two shillings and nine pence. Also Government Securities payable in June, 1759. Thirty three Thousand seven hundred twenty four

Legislative Records of the Council, xxiii, 71. Mass. Archives, ciii., 731.

Mass. Archives, ciii., 730. House Journal, pp. 35, 77. *Ante*, p. 387, chap. 55.

pounds sixteen shillings and one penny, which with the sum of Eighteen hundred eighty four pounds fourteen shillings and five pence paid for Interest makes Thirty five Thousand six hundred and nine pounds ten shillings and six pence. Also Government Securities payable 10th October. 1758. Twenty hundred fourteen pounds five shillings and two pence which with the sum of Two hundred and seven pounds thirteen shillings and seven pence paid for Interest makes Twenty two hundred twenty one pounds eighteen shillings and nine pence; Also Government Securities payable 10 June. 1757. Amounting to Two hundred thirteen pounds which with the sum of Twenty four pounds eight shillings and six pence paid for Interest makes Two hundred thirty seven pounds eight shillings and six pence; Also Government Securities payable in June. 1758. was to be redeemed out of the Parliamentary Grant amounting to Four hundred fifty three pounds which with the sum of Forty two pounds seventeen shillings and nine pence paid for Interest makes Four hundred ninety five pounds seventeen shillings and nine pence, All which Sums Amounting to Forty seven Thousand eight hundred seventy five pounds eighteen shillings and three pence which we have seen burnt and consumed to Ashes, for which Sum of Forty seven Thousand eight hundred seventy five pounds eighteen shillings and three pence have given the Treasurer a Receipt, do report that he be discharged accordingly.

Read and

Ordered that this Report be accepted and that the Treasurer be discharged of the sum of forty seven thousand eight hundred and Seventy five pounds eighteen Shillings and three pence accordingly. [*Passed October 11.*]

CHAPTER 94.

VOTE ASSESSING A TAX ON THE TOWN OF HADLEY AND THE DISTRICT OF AMHERST.

Legislative
Records of the
Council, xxiii.,
72. Mass.
Archives,
cxvii., 523.

Mass.
Archives,
cxvii., 522.
House Jour-
nal, pp. 59, 82.

A PETITION of Jonathan Smith and others Selectmen of Hadley, Setting forth That the District of Amherst being taken off from said Town, they are apprehensive that part of the province Tax which ought to be paid by Amherst still lies upon Hadley, and that said District ought also to be Assessed for part of the Representatives pay in 1757. and 1758. And praying the Interposition of this Court for their Relief.

Read and

Voted that the Tax laid upon the Town of Hadley in the County of Hampshire this Year shall be Assessed and Levied upon said Town, and upon the District of Amherst in the same County in the proportion following That is to Say Two hundred and eight pounds seven Shillings and Nine pence thereof upon the Polls and Estates of the Inhab^{ts} of said Town. And one hundred and thirty eight pounds fifteen Shill^{gs} and Nine pence thereof upon the Polls and Estates of the Inhab^{ts} of said District. And the Assessors of said Town and District respectively are hereby Ordered to Govern themselves accordingly in making their Assessments. [*Passed October 11.*]

CHAPTER 95.

ORDER GRANTING TO MARY BROWN LICENCE TO KEEP AN INN.

A PETITION of Mary Brown of Waltham, Setting forth That her late Husband Isaac Brown hath for divers years past been a Licenced Innholder in Waltham and renewed his Licence last September, but is since deceased, And praying that the Court of General Sessions of the Peace next to be holden at Charlestown for the County of Middlesex may be impowered to grant her a Licence for the same purpose.

Legislative
Records of the
Council, xxiii.,
72. Mass.
Archives, cxl.,
452.

Mass.
Archives, cxl.,
451. House
Journal, p. 81.

Read &

Ordered that the prayer of this petⁿ be so far granted that the pet^r be allowed to keep a tavern in the House in Waltham of her late Husband for & during the term he was Licensed for provided She recognize before two Justices in the County of Middlesex Quorum Unus According to Law within fifteen days from this time for her keeping good rule & Order & duly paying the Excise. [*Passed October 11.*]

CHAPTER 96.

ORDER ALLOWING £3. 6. 10 TO MARY KEYES, ADM^x.

[A PETITION of Mary Keyes Administratrix of the Estate of her late husband Zebadiah Keyes, shewing that he served in the Canada Expedition and in consequence thereof contracted a sickness from which he died. Praying for compensation for expenses incurred therefrom]¹

Mass.
Archives,
lxxviii., 580.

Mass.
Archives,
lxxviii., 578.
House Jour-
nal, p. 81.

Read and

Ordered that the sum of three pounds Six Shillings and ten pence be paid out of the Treasury to Oliver Fletcher Esq^r for the Use of the Pet^r in full. [*Passed October 11.*]

CHAPTER 97.

ORDER IMPOWERING DANIEL CROCKER, ADM^s, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Crocker of Barnstable Administrator de bonis non of the Estate of David Crocker late of said Barnstable deceased Setting forth That Administration of the Goods &c. of the said David was Committed to his only Son William Crocker who proceeded so far in the Administration as to obtain leave of the Justices of the Superiour Court to make Sale of so much of the deceaseds Real Estate as to enable him to pay the debts which amount to the Sum of £239.7.3¾ more than the personal Estate would enable him to pay, but that before he proceeded to said Sale he was taken Non Compos, and the petitioner was appointed Administrator de bonis non, And praying that he may be impowered to make Sale of so much of the Real Estate as aforesaid to enable him to pay the said debts.

Legislative
Records of the
Council, xxiii.,
73.

House Jour-
nal, pp. 73, 74,
78. Province
Laws, ii., 151,
chap. 10.

¹ Not found in Legislative Records of the Council.

Read and

Ordered That the prayer of this petition be granted and that the petitioner In his said Capacity be and he is hereby authorized and impowered to make Sale of so much of the before named deceaseds Real Estate (that can be Spared with least prejudice to the whole) as shall amount in Value to the Sum of £239.7.3¾ and to execute a good and sufficient deed or deeds of Conveyance of the same; He giving previous publick Notice of such intended Sale in time and manner as the Law of this province relating to the Sale of Real Estate by Executors and Administrators doth direct, and giving due caution to the Judge of Probate for the County of Barnstable that the proceeds of such Sale shall be applied for discharging the said deceaseds just debts; and that he shall account for his proceedings therein to the said Judge when thereunto lawfully required. [*Passed October 11.*]

CHAPTER 98.

ORDER ALLOWING £16 TO JOHN WINTHROP, ESQ^R.

Legislative
Records of the
Council, xxiii.,
74. Mass.
Archives, cix.,
577.

GENTLEMEN of the House of Representatives.

Mass.
Archives, cix.,
576. House
Journal, pp. 49,
50, 82.

M^r Professor Winthrop has with great Accuracy and at great pains by my direction with Advice of Council, made a Chart of the Harbour of Boston by Actual Survey; I need not explain to You the Necessity of this Service at a Juncture when we lye so peculiarly exposed to an Invasion from the Enemy; This Necessity and the extraordinary pains M^r Winthrop has taken in executing the design are sufficient Motives to make him a Grant adequate to the Service. And I accordingly recommend it to You.

T. POWNALL

His Excellency's Message within written was read and thereupon

Ordered that there be allowed and paid out of the publick Treasury to the within named John Winthrop Esq^r the Sum of Sixteen pounds in consideration of his Services within mentioned. [*Passed October 11.*]

CHAPTER 99.

ORDER DIRECTING THE COMMISSARY GENERAL TO PROVIDE FOR SOLDIERS ON THEIR RETURN FROM THE EASTWARD.

Legislative
Records of the
Council, xxiii.,
75.

House Jour-
nal, p. 81.

Ordered That the Commissary General be directed to make provision for all such Soldiers belonging to this Province as may Arrive at Boston from the Eastward as well for the Sick as for those that are well, and to each of them that are able to travel home, he shall allow for billeting and travel one shilling and six pence *per diem* Fifteen Miles to be accounted a days Travel

Voted also that if any of the Western Forces return before the General Court sits again: that his Excellency the Governour and the honourable Council be desired to order suitable provision to be made for them as usual. [*Passed October 11.*]

CHAPTER 100.

VOTE FOR AN ESTABLISHMENT WITH PAY AND SUBSISTENCE FOR THE
EASTERN GARRISONS.

Voted That there be pay and Subsistence granted for one Captain, two Lieutenants, one Chaplain, four Sergeants, four Corporals, One Armourer, One Drummer and Eighty seven privates at Fort Pownall at Penobscot and the several Out posts thereon depending from the time they entered upon Duty to the 30th April next, saving that on the last day of November next the said Garrison shall be reduced to Eighty four Men including Officers.

That there be pay and Subsistence for one Captain, one Lieutenant, three Sergeants three Corporals, One Armourer, One Drummer, a Chaplain, and thirty eight privates at Fort Halifax And at the Store house at Cushnoc for one Lieutenant and twelve privates; And at the Blockhouse at West Hoosuck for one Sergeant and eight privates.

And at the Truck house on George's River for one Sergeant and twelve privates.

And at Saco Truck house for one Sergeant and eight privates.

And Whereas the Garrison at Fort Frederick at Pemaquid has been dismissed by his Excellency the Governour, and there remains there a number of Cannon and other Warlike Stores That his Excellency be desired to order as many Men as are necessary to take care of the same to be posted there out of the other Forts and Garrisons on the Eastern Frontiers from which they can be best spared.

And that the Wages and Subsistence of the Officers and Soldiers be the same as voted the twenty third day of March, 1759. and to continue from the last Establishment until the thirtieth day of April One Thousand seven hundred and Sixty. [*Passed October 11.*]

Legislative
Records of the
Council, xxiii.,
75.

Mass.
Archives,
lxxviii., 602.

Legislative
Records of the
Council, xxiii.,
53. House
Journal, pp. 82,
83. *Ante*,
p. 328, chap.
284.

CHAPTER 101.

ORDER ALLOWING £3. 1. 8 TO CONSTANT LUTHER.

A PETITION of Constant Luther of Swanzey; praying an Allowance of sundry Expences attending his Son's Sickness, a Soldier the last Year in the pay of the province under Col^o Doty at the Westward.

Read and

Ordered that the Sum of three pounds One Shilling and eight pence be allowed and paid out of the publick Treasury to M^r Jerathmeel Bowers for the Use of the Pet^r in full. [*Passed October 11.*]

Legislative
Records of the
Council, xxiii.,
76. Mass.
Archives,
lxxviii., 601.

Mass.
Archives,
lxxviii., 601.
House Jour-
nal, p. 83.

CHAPTER 102.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxiii.,
76.

House Jour-
nal, pp. 15, 79.

AN ACCOUNT of Robert Lyscombe Treasurer for the County of Bristol to the 10 Sept^r 1759. being laid before the Court for their Allowance

Read and

Ordered That the within Account be allowed and that the within named Treasurer be discharged of the sum of Ninety seven pounds ten shillings and five pence half penny; And that the said Treasurer be further Accountable to the said County for the ballance thereof being Thirty one pounds eleven shillings and five pence half penny when he shall have received the same. [*Passed October 11.*]

CHAPTER 103.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative
Records of the
Council, xxiii.,
77.

House Jour-
nal, pp. 15, 83.

AN ACCOUNT of Joshua Henshaw Esq^r Treasurer for the County of Suffolk to August. 1759. being laid before the Court for their Allowance.

Read and

Ordered That the within Account be allowed, the ballance due to the within named Treasurer being Seventy six pounds six shillings and two pence half penny; Also

Voted That the Treasurer be Accountable to said County for the Sum of Three hundred and ten pounds eighteen shillings and one half penny when he shall receive the same. [*Passed October 11.*]

CHAPTER 104.

ORDER ALLOWING £3 TO MICAH BOWKER.

Legislative
Records of the
Council, xxiii.,
77. Mass.
Archives,
lxxviii., 380.

Mass.
Archives,
lxxviii., 377.
House Jour-
nal, p. 83.

A PETITION of Micah Bowker of Hopkinton a Soldier in the pay of the province who Served under General Abercromby in the Year. 1758. praying an Allowance of sundry Expences incurred by reason of Sickness

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Col^o Buckminster for the Use of the Pet^r in full. [*Passed October 11.*]

CHAPTER 105.

ORDER ALLOWING £1. 16 TO WILSON RAWSON.

A PETITION of Wilson Rawson of Upton; praying an Allowance of sundry Expences occasioned by the Sickness of his Son Caleb Rawson, a Soldier in the pay of this province who Served under General Abercromby in the Year. 1758.

Read and

Ordered that the sum of One pound Sixteen Shillings be paid out of the publick Treasury to Col^o Buckminster for the Use of the Petitioner in full.¹ [*Passed October 11.*]

Legislative
Records of the
Council, xxiii.,
77. Mass.
Archives,
lxxviii., 407.

Mass.
Archives,
lxxviii., 407.

CHAPTER 106.

ORDER ALLOWING £4. 10 TO BENJA MATTHEWS.

A PETITION of Benjamin Matthews of Yarmouth a Soldier in the pay of this province who Served under General Abercromby in the year. 1758. praying an Allowance of sundry Expences incurred by reason of Sickness, while in the Service.

Read and

Ordered that the Sum of four pounds ten Shillings be paid out of the publick Treasury to Cap^t Bacon for the Use of the Pet' in full. [*Passed October 11.*]

Legislative
Records of the
Council, xxiii.,
78. Mass.
Archives,
lxxviii., 541.

Mass.
Archives,
lxxviii., 540.
House Jour-
nal, pp. 83, 84.

CHAPTER 107.

ORDER ADJOURNING THE COURTS OF ESSEX COUNTY.

WHEREAS the Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery which by Law is to be held at Salem in the County of Essex on the third Tuesday of October instant, and others are Members of the General Court, and the important Affairs of the Province require their Attendance thereon Therefore

Ordered That said Court be adjourned to the fourth Tuesday of October current, and that all Matters and Things that might have day at said Court on the said third Tuesday of October shall be heard and tried on the said fourth Tuesday of October, and that all officers and other persons concerned in said Court conform themselves accordingly. [*Passed October 12.*]

Legislative
Records of the
Council, xxiii.,
79.

House Jour-
nal, p. 85.
Province
Laws, lii., 382,
chap. 15.

¹ Not found in the House Journal.

CHAPTER 108.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF BARNSTABLE
AND ALLOWING £1.17.4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiii.,
79.

House Jour-
nal, p. 85.
Ante, p. 253,
chap. 104.

THE COMMITTEE appointed to farm out the Excise on Tea Coffee and China Ware in the County of Barnstable made report of their doings therein, and presented their Account of Charge arising on the same, Amounting to Thirty seven shillings and four pence, said Excise was Sold to M^r Oris Bacon for Forty five pounds Six shillings and eight pence.

Read and

Ordered That this Account be allowed, and that the Committee be paid the sum of One Pound seventeen shillings and four pence out of the publick Treasury accordingly. [*Passed October 12.*]

CHAPTER 109.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF LEONARD
JARVIS IN REGARD TO THE IMPRESSMENT OF TEN VESSELS FOR
TRANSPORTATION OF CATTLE, STORES, &c, TO THE ARMY.

Legislative
Records of the
Council, xxiii.,
64, 79. Mass.
Archives,
lxxviii., 596.

House Jour-
nal, p. 73.

A MEMORIAL of Leonard Jarvis Esq^r Setting forth That he hath received Orders from his Excellency Major General Amherst to send an Additional Number of Cattle &c. for the Use of the Army under the Command of Major General Wolfe, That he hath used his utmost Endeavours to procure Transport Vessells but finds it impracticable, although there are several Vessels in the Harbour fit for that purpose, And as the Service and the Season of the year make it necessary to send these Supplies forthwith Praying that a Warrant to impress such Vessels as shall be wanted may be granted, He or the Agent for the Transports paying for them at the Usual Rates.

The Committee on enquiry find that a number of suitable Vessels may be obtained, but the Owners refuse to let them go on any reasonable terms. And Apprehending there is a Necessity of a Number being immediately taken up for that service The Committee are of Opinion that his Excellency the Governour be desired to issue his Warrant directed to the Sheriff of the County of Suffolk or of any other County to impress a number of Vessels not exceeding ten to be employed in his Majesty's Service agreeable to the Petition of Leonard Jarvis Esq^r upon such hire as shall be determined by Mess^{rs} Samuel Hewes, John Rowe, Nathaniel Bethune and Nicholas Boylston or any three of them to be just and equitable; the Hire to be paid by the said Leonard Jarvis at the time and upon the terms that shall be thus settled by the Persons abovementioned.

(Signed) JOHN ERVING

Read and Accepted. And

Ordered accordingly. [*Passed October 12.*]

CHAPTER 110.

ORDER IMPOWERING RUTH TAYLOR, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ruth Taylor of Springfield in the County of Hampshire Widow and Administratrix of the Estate of Samuel Taylor the 2^d late of said Springfield deceased Setting forth That the deceaseds personal Estate, exclusive of what is necessary for her to keep House with all is not sufficient to pay his just Debts; And praying that She may be empowered to make Sale of two Tracts of Land in said Town containing Thirty two Acres and two third parts of an Acre for the payment of Debts and for the Support and Education of the Heirs.

Read and

Ordered That the prayer of this Petition be granted, and that the Petitioner in her said Capacity be and hereby is Authorized and empowered to make Sale of the two Tracts of Land mentioned in said petition, Viz^t Eleven Acres and two thirds of an Acre of Land lying in the Neck called Askenunsuck Neck, and Twenty one Acres of Land lying on the Great plain so called both in the Town of Springfield and to execute good & sufficient deed or deeds of Conveyance of the same, She giving previous publick Notice of such intended Sale in time and manner as the Law of this Province relating to the Sale of Real Estates by Executors and Administrators doth direct, and giving due Caution to the Judge of Probate for the County of Hampshire, that the proceeds of such Sale shall be applied to the payment of the just debts of The late Samuel Taylor deced Intestate, and the Support and Maintenance of the Heirs of said Estate who are unable to Support and maintain themselves, and that She will Account to the said Judge for her proceedings therein, when thereunto lawfully required. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
82.

House Jour-
nal, p. 87.
Province
Laws, II., 151,
chap. 10.

CHAPTER 111.

ORDER GRANTING TO TYLER PORTER LICENCE TO KEEP AN INN.

A PETITION of Tyler Porter of Wenham, Setting forth That there is no Innholder in said Town of Wenham, the person who lately carried on that business being Dead; That the Petitioner inherits the Dwelling house of the said deceased, and having the Approbation of the Selectmen of the Town to be an Innholder praying he may have liberty to keep a House of publick Entertainment until the next Term of the Court of General Sessions of the Peace for the County of Essex in December next, He giving bond for the payment of the Excise, and for the keeping good Rule and Order in the House in the mean time.

Read &

Ordered that the prayer of this Petition be so far granted that the Petitioner be allowed to keep a Tavern in the House in Wenham late Jonathan Porters for & during the Term the s^d Jonathan his Father was licenced for, provided the s^d Petitioner recognize

Legislative
Records of the
Council, xxiii.,
83. Mass.
Archives, cxi.,
454.

Mass.
Archives, cxi.,
453. House
Journal, p. 91.

before two Justices in the County of Essex Quorum unus Accord-
ing to Law within fifteen Days from this time for his keeping good
rule & Order & duly paying the Excise. [*Passed October 17.*]

CHAPTER 112.

ORDER ALLOWING £2 TO JOHN BUSWELL.

Legislative
Records of the
Council, xxiii.,
84. Mass.
Archives,
lxxviii., 550.

A PETITION of John Buswell of Salisbury; praying an Allowance
of sundry Charges occasioned by the Sickness of his Son Jacob
Buswell a Soldier in the pay of this province in 1758.

Read and

Mass.
Archives,
lxxviii., 550.
House Jour-
nal, p. 90.

Ordered that the sum of two pounds be allowed and paid out of
the publick Treasury to Maj^r Cushing for the Use of the Pet^r in
full. [*Passed October 17.*]

CHAPTER 113.

ORDER ALLOWING £1.10 TO JOHN STEVENS.

Legislative
Records of the
Council, xxiii.,
84. Mass.
Archives,
lxxviii., 551.

A PETITION of John¹ Stevens of Salisbury a Soldier in the pay
of this province in Capt. Osgoods Company in 1758; praying an
Allowance of sundry Charges occasioned by his Sickness while in
the Service.

Read and

Mass.
Archives,
lxxviii., 551.
House Jour-
nal, p. 90.

Ordered that the Sum of One pound ten Shillings be allowed and
paid out of the publick Treasury to Maj^r Cushing for the Use of
the Pet^r in full. [*Passed October 17.*]

CHAPTER 114.

ORDER ALLOWING £1.16 TO RICH^d ROCKWOOD.

Legislative
Records of the
Council, xxiii.,
84. Mass.
Archives,
lxxviii., 521.

ON THE PETITION of Richard Rockwood; praying an Allowance
on account of his Son's Sickness who was a Soldier in the pay of
the province last year.

Read and

Mass.
Archives,
lxxviii., 521.
House Jour-
nal, p. 90.

Ordered that the Sum of One pound Sixteen Shillings be allowed
and paid out of the publick Treasury to Col^o Partridge for the Use
of the Pet^r in full. [*Passed October 17.*]

¹ The House Journal, p. 90, reads, "*Joseph.*"

CHAPTER 115.

ORDER ALLOWING £1. 13 TO PHILLIP WHITAKER.

ON THE PETITION of Phillip Whitaker of Dighton praying an Allowance on account of the Sickness of his Servant Daniel May a Soldier in the pay of the province last year.

Read and

Ordered that the Sum of One pound thirteen Shillings be allowed and paid out of the publick Treasury to Ebenezer Stetson for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
85. Mass.
Archives,
lxxviii., 632.

House Jour-
nal, p. 90.

CHAPTER 116.

ORDER ALLOWING £1. 1. 3 TO ABNER BROWN.

ON THE PETITION of Abner Brown; praying an Allowance on account of his Son Thomas Browns Sickness, a Soldier in the pay of the Province the last year.

Read and

Ordered that the sum of One pound One Shilling and three pence be allowed and paid out of the publick Treasury to D^r Upham for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
85. Mass.
Archives,
lxxviii., 403.

House Jour-
nal, p. 90.

CHAPTER 117.

ORDER ALLOWING £1. 11. 10 TO ADAM GOODWIN.

ON THE PETITION of Adam Goodwin; praying an Allowance for his Son Adam Goodwins Sickness while in the province Service.

Read and

Ordered that the Sum of one pound eleven Shillings and ten pence be allowed and paid out of the publick Treasury to Cap^t Chadburne for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
85. Mass.
Archives,
lxxviii., 477.

Mass.
Archives,
lxxviii., 477.
House Jour-
nal, p. 92.

CHAPTER 118.

ORDER ALLOWING £2. 13. 4 TO ABNER GILBERT.

A PETITION of Abner Gilbert a Soldier in the pay of the province in the year. 1756. praying an Allowance on account of his Sickness while in the service.

Read and

Ordered that the Sum of two pounds thirteen Shill^{gs} and four pence be allowed and paid out of the publick Treasury to D^r Upham for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
85. Mass.
Archives,
lxxviii., 265.

House Jour-
nal, p. 90.

CHAPTER 119.

ORDER ALLOWING £2 TO JOHN RUGGLES.

Legislative
Records of the
Council, xxiii.,
86. Mass.
Archives,
lxxviii., 549.

Mass.
Archives,
lxxviii., 549.
House Jour-
nal, p. 90.

A PETITION of John Ruggles of Scituate; praying an Allowance on Account of the Sickness of his Mollatto Servant Absalom Cato a Soldier in the pay of the province in 1758.

Read and

Ordered that the sum of two pounds be allowed and paid out of the publick Treasury to Maj^r Stockbridge for the Use of the Pet^r in full. [*Passed October 17.*]

CHAPTER 120.

ORDER ALLOWING £1. 10 TO JOHN SYMMES.

Legislative
Records of the
Council, xxiii.,
86. Mass.
Archives,
lxxviii., 446.

Mass.
Archives,
lxxviii., 446.
House Jour-
nal, p. 90.

A PETITION of John Symmes a Soldier in the pay of the province in 1758. praying an Allowance on account of his Sickness while in the Service.

Read and

Ordered that the Sum of one pound ten Shillings be allowed and paid out of the publick Treasury to Benjamin Newhal Esq^r for the Use of the Pet^r in full. [*Passed October 17.*]

CHAPTER 121.

ORDER ALLOWING £2. 9. 1 TO ENOCH DAVIS.

Legislative
Records of the
Council, xxiii.,
86. Mass.
Archives,
lxxviii., 135.

Mass.
Archives,
lxxviii., 134.
House Jour-
nal, p. 90.

A PETITION of Enoch Davis a Soldier in the pay of this province the last Year praying an Allowance on account of his Sickness while in the Service.

Read and

Ordered that the Sum of two pounds Nine Shillings and One penny be allowed and paid out of the publick Treasury to Colo Gerrish for the Use of the Pet^r in full. [*Passed October 17.*]

CHAPTER 122.

ORDER ALLOWING £2 TO PAUL MORSE.

Legislative
Records of the
Council, xxiii.,
86. Mass.
Archives,
lxxvii., 607.

Mass.
Archives,
lxxvii., 607.
House Jour-
nal, p. 90.

A PETITION of Paul Morse a Soldier in the pay of the province the last year; praying an Allowance on account of his Sickness while in the service.

Read and

Ordered that the Sum of two pounds be allowed and paid out of the publick Treasury to M^r Ellis for the Use of the Pet^r in full. [*Passed October 17.*]

CHAPTER 123.

ORDER ALLOWING £2. 8. 5 TO SIMON DARBY.

A PETITION of Simon Darby; praying an Allowance on Account of the Sickness of his Son John Darby, a Soldier in the pay of the Province the last year.

Read and

Ordered that the Sum of two pounds eight Shillings and five pence be allowed and paid out of the publick Treasury to Cap^t Richardson for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
86. Mass.
Archives,
lxxviii., 539.

Mass.
Archives,
lxxviii., 537.
House Jour-
nal, p. 90.

CHAPTER 124.

ORDER ALLOWING £2. 14. 10 TO BETHULIA GATES.

A PETITION of Bethulia Gates Widow and Administratrix of her late Husband Benjamin Gates of Rutland District deceased praying an Allowance on Account of his Sickness while a Soldier in Col^o Frye's Regiment in 1757.

Read and

Ordered that the Sum of two pounds fourteen Shillings and ten pence be allowed and paid out of the publick Treasury to M^r Paine for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
87. Mass.
Archives,
lxxviii., 630.

Mass.
Archives,
lxxviii., 630.
House Jour-
nal, p. 91.

CHAPTER 125.

ORDER ALLOWING £1. 7. 4 TO SHIPEWAY GOODWIN.

A PETITION of Shipeway¹ Goodwin, a Soldier in the pay of the province the last Year and in Col^o Preble's Regiment praying an Allowance on Account of his Sickness while in the Service.

Read and

Ordered that the Sum of one pound seven Shillings and four pence be allowed and paid out of the publick Treasury to Cap^t Chadburne for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
87. Mass.
Archives,
lxxviii., 241.

Mass.
Archives,
lxxviii., 240.
House Jour-
nal, p. 92.

CHAPTER 126.

ORDER ALLOWING £2. 4. 11 TO W^m PALMER.

A PETITION of William Palmer of Brookfield, praying an Allowance on Account of the Sickness of his Son David Palmer a Soldier in the pay of the province the last Year.

Read and

Ordered that the Sum of two pounds four Shillings and eleven pence be allowed and paid out of the publick Treasury to D^r Upham for the Use of the Pet^r in full. [*Passed October 17.*]

Legislative
Records of the
Council, xxiii.,
87. Mass.
Archives,
lxxviii., 53.

Mass.
Archives,
lxxviii., 53.
House Jour-
nal, p. 90.

¹ The House Journal, p. 92, reads, "*Shipwell.*"

CHAPTER 127.

ORDER ALLOWING £3 TO JONATHAN BURT & DANIEL FISH.

Legislative
Records of the
Council, xxiii.,
87. Mass.
Archives,
lxxviii., 631.

Mass.
Archives,
lxxviii., 631.
House Jour-
nal, p. 90.

A PETITION of Jonathan Burt and Daniel Fish of Dighton praying an Allowance on account of the Sickness of their Sons Isaac Fish and Frederick Burt, who were Soldiers in the pay Of the Province the last Year.

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to M^r Ebenezer Stetson for the Use of the Petitioners in full. [*Passed October 17.*]

CHAPTER 128.

ORDER IMPOWERING DANIEL DAVIS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
91.

House Jour-
nal, p. 88.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Daniel Davis of Barnstable Guardian to Ezekiel Hersey a minor praying liberty to Sell part of the Real Estate belonging to said minor to the Amount of One hundred pounds, for the supplying him with Cloathing &c. said Minor being now an Apprentice to M^r Solomon Davis a Merchant in Boston.

Read and

Ordered That the Petitioner be allowed in his Capacity abovesaid to Sell so much of the Real Estate of said Minor, where it may be least prejudicial to the whole, as may Amount to One hundred pounds for the most the same will Sell for, He observing the Law in that case respecting the Sale of Real Estates by Executors & Administrators and giving caution to the Judge of Probate for the County of Barnstable to apply the proceeds thereof for the Uses mentioned in the Petition. [*Passed October 17.*]

CHAPTER 129.

ORDER ALLOWING £1 PER ANNUM ADDITIONAL TO JON^A STANHOPE.

Legislative
Records of the
Council, xxiii.,
97. Mass.
Archives,
lxxviii., 545.

Mass.
Archives,
lxxviii., 545.
House Jour-
nal, pp. 89, 91.
Province
Laws, xiv., 655,
chap. 68.

A PETITION of Jonathan Stanhope of Sudbury, setting forth That in the year. 1746. he was Wounded in the Elbow by the Enemy Indian whereby he is in a great measure disabled, in Consideration whereof the Court was pleased to grant him an Annual Pension of Four pounds, which together with what labour he is capable of performing he finds insufficient for his Support; And praying a further Allowance.

Read and

Ordered that the Sum of One pound per Annum be allowed and paid out of the publick Treasury to the Pet^r over and above his Yearly Pension already granted by this Court. [*Passed October 17.*]¹

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 19.

CHAPTER 130.

ORDER REMITTING TO THE TOWN OF BERKELEY £10 FINE FOR NOT
SENDING A REPRESENTATIVE.

A PETITION of Gershom Crane and others Selectmen of Berkley setting forth the low and poor Circumstances of said Town and praying for the Remittance of a Fine of Ten pounds laid upon them by the House of Representatives at their Session in May last for not sending a person to represent them in Court.

Read and

Ordered that the Prayer of this Petⁿ be granted and that the Fine abovementioned for not Sending a Rep^{rve} be remitted accordingly. [*Passed October 18.*]

Legislative
Records of the
Council, xxiii.,
89. Mass.
Archives, 1.,
121.

Province
Laws, iv., 336,
note. House
Journal,
pp. 8, 35.

CHAPTER 131.

ORDER IMPOWERING SARAH RUMNEYMARSH, INDIAN, TO SELL LAND
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Rumney marsh, Indian Widow of Natick, Setting forth her great Want and infirmities being now Eighty years of Age, and without any means of Support, having no Estate but ten Acres of unimproved Land, and praying leave to Sell the same, without which She must Suffer.

Read and in Answer

Ordered that the Pet^r be by and with the Advice and Consent of the Guardians of the Natick Indians impowered to Sell the lands herein mentioned; and to Execute a good Deed or Deeds for the Same. And that the Money arising by said Sale be put into the Hands of said Guardians for the Support of the Petitioner. The said Guardians to be accountable to this Court. [*Passed October 18.*]

Legislative
Records of the
Council, xxiii.,
90. Mass.
Archives,
xxxiii., 114.

Mass.
Archives,
xxxiii., 113.
House Jour-
nal, pp. 89, 94.
Ante, p. 241,
chap. 76, note.

CHAPTER 132.

ORDER IMPOWERING LEAH CHALCOM AND OTHERS, INDIANS, TO SELL
LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Leah Chalcom, Esther Sooduck and Hephzibah Pegan Indian Women of Natick; Setting forth that they are possessed of Forty six Acres of Land, the Fee whereof is in themselves, as also a Small right in the common and Undivided Lands in said Natick of small Value; And praying liberty to Sell the same for their necessary Support.

Read and

Ordered that the Pet^{rs} be by and with the Advice and Consent of the Guardians of the Natick Indians impowered to Sell the lands herein mentioned; and to execute a good and sufficient Deed or Deeds for the Same. And that the money arising by said Sale Viz Thirty five pounds be applied to pay the Debts herein mentioned. And that the remainder be put into the hands of the said Guardians to be put out at Interest.

Legislative
Records of the
Council, xxiii.,
90. Mass.
Archives,
xxxiii., 107.

Mass.
Archives,
xxxiii., 106.
House Jour-
nal, pp. 89, 94.
Ante, p. 241,
chap. 76, note.

And the interest arising thereon to be applied for the Support of the Pet^{rs} The said Guardians to be accountable to this Court.
[*Passed October 18.*]

CHAPTER 133.

Legislative
Records of the
Council, xxiii.,
91. Mass.
Archives,
lxxviii., 586.

House Jour-
nal, pp. 64, 97.
Ante, p. 328,
chap. 284.

VOTE DESIRING THE GOVERNOR TO DISMISS THE GARRISON AT FORT MASSACHUSETTS.

INASMUCH as the Western Frontiers are covered by His Majesty's Ports at Crown point and elsewhere

Voted That His Excellency be desired to dismiss the Garrison at Fort Massachusetts. [*Passed October 18.*]

CHAPTER 134.

ORDER IMPOWERING ELIZABETH SMITH, ADM^x, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiii.,
91.

House Jour-
nal, pp. 93, 95.

A PETITION of Elizabeth Smith of Charlton in the County of Worcester, Administratrix of the Estate of her late Husband Jesse Smith deceased setting forth That her said Husband owned a Right of Land in a new Township adjoining upon Northfield called Roxbury Canada, alias Mount Grace, the proprietors whereof are each of them respectively obliged by this Court to build an House and make Improvements on their Lots, which She is utterly Incapable of doing, having but one Son capable of helping her, and a large Farm in Charlton to improve, so that the Right is like to be forfeited; And as She has the Offer of having the duty done thereon for the Fifty Acre Settlers Lot; praying She may be empowered to give a deed of said Fifty Acre Lot upon Condition as aforesaid, that the remainder may be secured to her Children.

Read and

Ordered That the Prayer hereof be so far granted, as that the Petitioner in her Capacity within mentioned be allowed and empowered to execute a good deed or deeds in the Law for Conveying the Fifty Acre Lot in the Petition mentioned to such person or Persons that will undertake to do the duty enjoined to be done by the General Court on said right in order to secure the Remainder for the benefit of the Children of the Deceased. [*Passed October 18.*]

CHAPTER 135.

RESOLVE IMPOWERING WM MARSHALL & JOSIAH DAVIS, EXECUTORS, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiii.,
92.

House Jour-
nal, pp. 96, 97.

A PETITION of William Marshall of Concord and Josiah Davis of Bedford both in the County of Middlesex Executors of the last Will of Thomas Fox late of Concord deceased, setting forth That the said Thomas had in April last bargained with Jonathan Hosmer jun^r of Acton for a Tract of Land in said Acton and received Thirteen pounds six shillings and eight pence in part, but waited till he

could obtain a plan of said Land of the Surveyor who had laid out the same, before he executed the deed; But it so hapned that said Thomas died suddenly by a Fall in the mean time, and never executed said deed; And praying they may be impowered to give the said Jonathan a legal title to the Premisses.

[Read and]

Resolved That the prayer of the said Petition be granted, and that William Marshall and Josiah Davis Executors of the last Will and Testament of Thomas Fox late of Concord deceased, are hereby impowered to make and execute a good deed of Conveyance of the Land described in said petition unto Jonathan Hosmer jun^r they first giving sufficient caution to the Judge of Probate for the County of Middlesex to account with him as the Law directs for the Moneys by them received for said Land. [*Passed October 18.*]

CHAPTER 136.

ORDER ALLOWING £1. 19. 9 TO THOMAS LAWS.

A PETITION of Thomas Laws of Billerica a Soldier in the pay of the province in Capt. Jones's Company of Col^o Nichols's Regiment in. 1758. Setting forth That he was thro' Mistake made up in the Muster Roll one Month and two days short of the time he really Served; and praying an Allowance for the same.

Legislative
Records of the
Council, xxiii.,
93. Mass.
Archives,
lxxviii., 628.

Read and

Ordered that the Sum of one pound Nineteen Shillings and Nine pence be allowed and paid out of the publick Treasury to the Petitioner being so much He was made up Short in the Muster roll mentioned. [*Passed October 18.*]

Mass.
Archives,
lxxviii., 626.
House Jour-
nal, pp. 93, 94,
95.

CHAPTER 137.

ORDER DIRECTING THE SELECTMEN OF THE SEVERAL TOWNS TO PRESENT TO THE SECRETARY PERFECT LISTS OF THE FRENCH NEUTRALS RESIDING THEREIN.

THE COMMITTEE appointed the 17th Instant to take under Consideration the state of the French Neutrals residing within this Province, having made report.

Read And

Ordered that the Selectmen of the several Towns where there are any of the late French Inhabitants of Nova Scotia now residing do within thirty days return into the Secretary's office upon Oath perfect Lists of the names, Ages & Circumstances of all such, and of their capacity for labour according to their best Judgement, And that if the Selectmen of any such Towns shall neglect to return Lists as aforesaid, no Accounts of Charge which they shall hereafter bring on Account of such French People shall be allowed, and further

Legislative
Records of the
Council, xxiii.,
95. Mass.
Archives,
xxiv., 231.

Mass.
Archives,
xxiv., 227.
Legislative
Records of the
Council, xxiii.,
88. House
Journal, pp. 84,
100. Province
Laws, iv., 102,
note. *Ante*,
p. 400, chap.
89.

Ordered that this Resolution be published in the several Boston News Papers, and that it be likewise printed seperately and Copies thereof delivered to the several members of the General Court. [*Passed October 19.*]

CHAPTER 138.

ORDER IMPOWERING DORCAS WYMAN, ADM^x, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
95.

House Jour-
nal, pp. 92, 98,
99. Province
Laws, ii., 151,
chap. 10.

A PETITION of Dorcas Wyman of Townshend in the County of Middlesex Widow, Administratrix of the Estate of her late Husband Ebenezer Wyman late of said Townshend deceased Intestate, setting forth That the deceased Debts amount to Seventy five pounds $1\frac{7}{8}$ more than all his personal Estate, That his Real Estate consists of an Old Dwelling house and Barn and about One hundred & fifteen Acres of Land in said Townshend, and of One hundred and twenty seven Acres of Land in a New Town called N^o One lying in the Province of New Hampshire by the tenure whereof he was obliged To build an House and make divers Improvements which She is utterly Unable to perform; That he left eight Children four of whom are under Nine Years of Age; And praying She may be impowered to Sell so much of the last mentioned Tract of Land as will be sufficient to enable her to procure the duty to be done upon it, and as much of the Homestead as will enable her to pay the deceased debts.

Read and

Ordered That the prayer of the said Petition be so far granted that the petitioner be and hereby is authorized and impowered in her said Capacity of Administratrix to make Sale of so much of the Lands mentioned in the said petition in Townshend as will fetch the sum of Seventy five pounds one shilling and seven pence three farthings and the Interest thereon due and Charges of Sale, the said Land to be sold for the most the same will fetch, and to be such as will least prejudice the Remainder, and to execute a good and sufficient deed or deeds of Conveyance of the same, She observing the directions of the Law with respect to the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of Middlesex duly to apply the proceeds of such Sale for the discharge of the debts of the said deceased agreeable to the directions of the Law. [*Passed October 19.*]

CHAPTER 139.

VOTE ALLOWING £48. 16. 4 TO COL^o SCHUYLER.

Legislative
Records of the
Council, xxiii.,
96.

House Jour-
nal, p. 99.

Voted That there be granted and allowed to be paid out of the publick Treasury to John Schuyler Esq^r of Second River in East New Jersey the sum of Forty eight pounds sixteen shillings and four pence being the ballance due to Col^o Schuyler on his Account of Supplies to several English Prisoners in Canada as particularized in said Account dated January 11. 1759. [*Passed October 19.*]

CHAPTER 140.

ORDER ALLOWING £11.8 TO THE WIDOW OF JOSEPH SKINNER.

A PETITION of Benjamin Newhall Esq^r of Lynn in behalf of the Widow of Joseph Skinner late of said Lynn deceased setting forth, That the said Joseph enlisted in March, 1758. as a Soldier in the pay of the province for the Expedition against Canada, That he was first in Capt. Glovers Company, and afterwards turned over to Capt. Billings's Company, that he proceeded in the Service and did not return home till about the Middle of November, And died on the 31st ¹ of the same Month; That the said Joseph is not made up in any Muster Roll; And praying for the Payment of his Wages and the Expence of his Sickness.

Legislative
Records of the
Council, xxiii., 96.
Mass.
Archives, lxxviii., 530.
House Journal, pp. 47, 48, 98.

Read and

Ordered that the sum of Eleven pounds eight Shillings be allowed and paid out of the publick Treasury to Benjamin Newhall Esq^r for the Use of the Widow within mentioned in full for the wages mentioned.² [*Passed October 19.*]

CHAPTER 141.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £1.4.8 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Tea Coffee and China Ware for the County of Plymouth Reported That they had Sold the same to Edward Winslow Esq^r of Plymouth for the sum of Forty pounds thirteen shillings and four pence and Taken Bond according to Law; And prayed allowance of the charge attending said Sale. (Signed) GAM^l BRADFORD *per* order.

Legislative
Records of the
Council, xxiii., 101.
House Journal, p. 103.
Ante, p. 253, chap. 103.

Read and

Ordered That this Report be Accepted, And that the sum of One pound four shillings and eight pence be allowed and paid out of the publick Treasury to the Committee for their Expences within mentioned. [*Passed November 2.*]

CHAPTER 142.

VOTE CONTINUING THE ESTABLISHMENT FOR PROVINCE SHIP KING GEORGE, &c.

Voted that the Establishment already made for the Ship King George be continued from the Expiration thereof till the 6th Curr^t and no longer. That from the 6th Curr^t until the further Order of this Court, The said Establishment for said Ship shall be at the following Rate Viz

For the Captain at three pounds per Month

Mass.
Archives, cix., 583.

¹ Mass. Archives, lxxviii., 530, reads "30th of the Same Nover."

² Adjourned to November 1. See Legislative Records of the Council, xxiii., 99.

House Journal, p. 106.
Ante, p. 316,
 chaps. 255, 256.

For three Privates at thirty Six Shillings per Month each. And that they be allowed Subsistence according to the Tenor of the last Establishment

Voted also That His Excellency the Governour be desired on said Sixth Day of Nov^r Curr^t to dismiss all the rest of the Officers and Privates now in Service on board said Ship. [*Passed November 3.*]

CHAPTER 143.

ORDER ALLOWING £20 TO W^m LITHGOW.

Legislative
 Records of the
 Council, xxlii.,
 105. Mass.
 Archives,
 lxxvi., 27.

Mass.
 Archives,
 lxxvi., 24.
 House Journal,
 pp. 81, 90,
 148, 149 (1756);
 pp. 105, 108.

A PETITION of William Lithgow Commander of his Majesty's Fort Halifax as preferred in August, 1756. Setting forth that he had been constantly Employed from December, 1754. till the 30th of May. 1756. in building said Fort, during which time he did a great deal of Laborious Work himself, and run great risques (as it was War) in Collecting Artificers that he had at times five Companies of 50 Men each, the Officers of which generally eat at his Table that in the year, 1754 he had the Command of 50 Men, and did the same Duty as the other Captains under the Command of General Winslow, who received £4.16/ ^p Month, whereas he has only received Garrison Pay; And praying a further Allowance for his Service.

Read and

Ordered that this Petⁿ be revived and that the Pet^r be allowed and paid out of the publick Treasury the Sum of Twenty pounds in full consideration for the Services herein mentioned. [*Passed November 6.*]

CHAPTER 144.

RESOLVE DESIRING HIS EXCELLENCY THE GOVERNOR TO APPOINT A DAY OF THANKSGIVING.

Legislative
 Records of the
 Council, xxlii.,
 105. Mass.
 Archives,
 xiv., 150.

House Journal, p. 111 *bis*.
 Love's Fast
 and Thanks-
 giving Days of
 New England,
 p. 498.

Resolved That His Excellency be desired with the Advice of the Council to Issue a Proclamation appointing a Day of publick Thanksgiving throughout the Province for divine Mercies received in the course of the Year past.¹ [*Passed November 6.*]

CHAPTER 145.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE AND CHINA WARE IN THE COUNTY OF SUFFOLK.

Legislative
 Records of the
 Council, xxlii.,
 108. Mass.
 Archives,
 cxx., 315.

House Journal, p. 111.

In the House of Representatives

Voted, That Thomas Flucker and Royal Tyler Esq^{rs} with such as the Hon^{ble} Board shall joyn. be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Suffolk the Currant Year.

In Council Read & Concur'd and Samuel Watts Esq^r is joined in the Affair. [*Passed November 7.*]

¹ The Thanksgiving was appointed for November 29, 1759, and was public.

CHAPTER 146.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF ESSEX.

In the House of Representatives.

Voted, That Joseph Gerrish and William Stevens Esq^{rs} with such as the Hon^{ble} Board shall joyn, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Essex the currant Year.

In Council Read and Concur'd and Benjamin Lynde Esq^r is joined in the Affair. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
109. Mass.
Archives,
cxx., 315.
House Jour-
nal, p. 111.

CHAPTER 147.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF MIDDLESEX.

In the House of Representatives,

Voted, That Andrew Boardman and James Russell Esq^{rs} with such as the Hon^{ble} Board shall joyn, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Middlesex the currant Year.

In Council Read & Concur'd & W^m Brattle Esq^r is joined in the Affair. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
109. Mass.
Archives,
cxx., 315.
House Jour-
nal, p. 111.

CHAPTER 148.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF HAMPSHIRE.

In the House of Representatives

Voted, That Timothy Dwight Esq^r and Captain Luke Bliss with such as the Hon^{ble} Board shall joyn, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Hampshire the currant Year.

In Council Read & Concur'd and Joseph Hawley Esq^r is joined in the Affair. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
109. Mass.
Archives,
cxx., 315.
House Jour-
nal, p. 112.

CHAPTER 149.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF WORCESTER.

In the House of Representatives,

Voted, That William Richardson Esq^r and M^r Benjamin Tucker with such as the Hon^{ble} Board shall joyn, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Worcester the currant Year.

In Council Read and Concur'd and John Chandler Esq^r is joined in the Affair. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
109. Mass.
Archives,
cxx., 315.
House Jour-
nal, p. 112.

CHAPTER 150.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF PLYMOUTH.

Legislative
Records of the
Council, xxiii.,
109. Mass.
Archives,
cxx., 312.
House Jour-
nal, p. 112.

In the House of Representatives,
Voted, That George Watson Esq^r and Captain Robert Bradford
with such as the Hon^{ble} Board shall joyn be a Committee to Farm
out the Duties of Excise on Tea, Coffee and China Ware in the
County of Plymouth the currant Year.

In Council Read & Concur'd and Gamaliel Bradford Esq^r is joined
in the Affair. [*Passed November 7.*]

CHAPTER 151.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF BARNSTABLE.

Legislative
Records of the
Council, xxiii.,
110. Mass.
Archives, cxx.,
312.
House Jour-
nal, p. 112.

In the House of Representatives,
Voted, That Roland Cotton and Nathaniel Stone, Esq^s with such
as the Hon^{ble} Board shall joyn, be a Committee to Farm out the
Duties of Excise on Tea, Coffee and China Ware in the County of
Barnstable the currant Year.

In Council Read & Concur'd & Silvanus Bourn Esq^r is joined in
the Affair. [*Passed November 7.*]

CHAPTER 152.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF BRISTOL.

Legislative
Records of the
Council, xxiii.,
110. Mass.
Archives,
cxx., 310.
House Jour-
nal, p. 112.

In the House of Representatives,
Voted, That Samuel White Esq^r and Captain Thomas Morey with
such as the Hon^{ble} Board shall joyn, be a Committee to Farm out
the Duties of Excise on Tea, Coffee and China Ware in the County
of Bristol the currant Year.

In Council Read & Concur'd and George Leonard Esq^r is joined
in the affair. [*Passed November 7.*]

CHAPTER 153.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF YORK.

Legislative
Records of the
Council, xxiii.,
110. Mass.
Archives, cxx.,
310.
House Jour-
nal, p. 112.

In the House of Representatives,
Voted, That John Bradbury Esq^r and Captain Benjamin Chad-
burne with such as the Hon^{ble} Board shall joyn, be a Committee to
Farm out the Duties of Excise on Tea, Coffee and China Ware in
the County of York the currant Year.

In Council Read & Concur'd and Richard Cutt Esq^r is joined in
the Affair. [*Passed November 7.*]

CHAPTER 154.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF DUKES COUNTY.

In the House of Representatives,

Voted, That John Norton Esq^r and M^r Matthew Mayhew with such as the Hon^{ble} Board shall joyn, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Dukes County the currant Year.

In Council Read & Concur'd and John Newman Esq^r is joined in the Affair. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
110. Mass.
Archives, cxx.,
311.

House Jour-
nal, p. 112.

CHAPTER 155.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF NANTUCKET.

In the House of Representatives,

Voted, That Abishai Folger and Richard Coffin Esq^{rs} with such as the Hon^{ble} Board shall joyn, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China Ware in the County of Nantucket the currant Year.

In Council Read and Concur'd and Josiah Coffin Esq^r is joined in the Affair. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
110. Mass.
Archives, cxx.,
311.

House Jour-
nal, p. 112.

CHAPTER 156.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF
WOODBIDGE BROWN, ATTY., TO EDMUND JACKSON, JUNR., FOR A
NEW TRIAL OF A CAUSE.

A PETITION of Woodbridge Brown Attorney to Edmund Jackson jun^r of Abington; setting forth That said Edmund was prosecuted by James Warren of Plymouth Esq^r Farmer of the Duties of Excise on Spirituous Liquors in said County for a Fine for Selling Rum without Licence, that said Edmund being gone in his Majesty's Service the petitioner agreed with said Warren's Attorney, that the Action should be continued, but that the said Edmund was defaulted, the said Agreement notwithstanding; And praying that the Judgment thus obtained against the Said Edmund Jackson may be set aside, and that he may have a Trial on the Merits of the Cause at the next Inferiour Court of Common pleas to be holden at plymouth, and that Execution may be stayed in the meantime.

Read and

Ordered That the Petitioner serve James Warren Esq^r with a Copy of this Petition that he shew cause if any he hath on the first Friday of the next Sitting of this Court why the prayer thereof should not be granted, and Execution mentioned is stayed in the meantime. [*Passed November 7.*]

Legislative
Records of the
Council, xxiii.,
111.

House Jour-
nal, p. 115.

CHAPTER 157.

ORDER ALLOWING £2.7 TO EBEN^B BONNEY.

Legislative
Records of the
Council, xxiii.,
112. Mass.
Archives,
lxxviii., 585.

Mass.
Archives,
lxxviii., 585.
House Jour-
nal, p. 115.

A PETITION of Ebenezer Bonney of Pembroke, praying an Allowance of sundry Expences and Charges attending the Sickness of his Son who went the last Year a Soldier in the pay of the province in Capt. Keen's Company of Col^o Doty's Regiment.

Read and

Ordered that the Sum of two pounds Seven Shillings be paid out of the publick Treasury to M^r Israel Turner for the Use of the Pet^r in full consideration for the sufferings mentioned. [*Passed November 7.*]

CHAPTER 158.

ORDER ALLOWING £2.3 TO ENOCH MARSH.

Legislative
Records of the
Council, xxiii.,
112. Mass.
Archives,
lxxviii., 501.

Mass.
Archives,
lxxviii., 500.
House Jour-
nal, p. 115.

A PETITION of Enoch Marsh¹ a Soldier in Capt. Moores Company of Col^o Bagley's Regiment in the pay of the province the last Year; praying an allowance for the Expence of his Sickness.

Read and

Ordered that the Sum of two pounds three Shillings be paid out of the publick Treasury to M^r David Marsh, for the Use of the Pet^r in full consideration of the within Petⁿ. [*Passed November 7.*]

CHAPTER 159.

VOTE DESIRING HIS EXCELLENCY TO GIVE ORDERS THAT URIAN ANGIER BE POSTED AT ST. GEORGES AS A SUPERNUMERARY.

Legislative
Records of the
Council, xxiii.,
112. Mass.
Archives,
lxxviii., 636.

Mass.
Archives,
lxxviii., 636.
House Jour-
nal, pp. 104,
114, 115.

A PETITION of Capt. John North in behalf of Urian Angier; setting forth That the said Urian hath been a Soldier in the province Service for Thirty six Years past; And being thus worn out in the Service praying the Compassionate Consideration of the Court.

Read and

Voted that His Excellency be desired to give Orders to the Commanding Officer at St^e Georges Fort; That the Petitioner be posted there as a Supernumerary. [*Passed November 7.*]

CHAPTER 160.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF JER. & SAM^L OSBORNE, IN BANKRUPTCY AND EXEMPTING THEM FROM ARREST AND ATTACHMENT.

Legislative
Records of the
Council, xxiii.,
113.

A PETITION of Jeremiah Osborne and Samuel Osborne Merchants and Partners; setting forth, That a Commission of Bankruptcy was extended against them agreeable to a Law of the Province then in

¹ The House Journal, p. 115, reads, "*Martyn.*"

force, providing remedy for Bankrupts and their Creditors; That they have in Conformity thereto surrendered themselves, and delivered up their whole Estate both Real and Personal even to their necessary Wearing Apparel and Bedding to Assignees; Whereupon the Majority of their Creditors in number and value by Certificate under their hands and Seals did consent that they should be discharged, but before they could obtain a Certificate from the Commissioners, his Majesty's disallowance of said Act was received, and in consequence thereof all further proceedings were stayed; And praying Relief.

Read and

Ordered That the Consideration of this Petition be referred to the second Wednesday of the next Session of the General Court, and that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all Arrests and Attachments for Debts contracted before they were declared Bankrupts, and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed. [*Passed November 8.*]

Legislative
Records of the
Council, xxiii.,
54, 56, 101.
House Jour-
nal, pp. 58, 59,
118. Province
Laws, iv., 29,
chap. 12; 403,
chap. 16; 442,
443, notes.

CHAPTER 161.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF EDM^d QUINCY AND SONS, IN BANKRUPTCY, AND EXEMPTING THEM FROM ARREST AND ATTACHMENT.

A PETITION of Edmund Quincy, Edmund Quincy jun^r and Henry Quincy; setting forth their Compliance with the Act of this Government relating to Bankrupts and their Creditors, and their being prevented receiving the benefit of said Act, as particularly mentioned in the foregoing Petition of Jeremiah and Samuel Osborne; And praying Relief.

Read and

Ordered, That the Consideration of this Petition be referred to the second Wednesday of the next Session of the General Court; and that in the mean time, the Petitioners and their Estates in the hands of the Assignees be exempted from all Arrests and Attachments for Debts contracted before they were declared Bankrupts and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed. [*Passed November 8.*]

Legislative
Records of the
Council, xxiii.,
114.

Legislative
Records of the
Council, xxiii.,
56. House
Journal,
pp. 58, 59, 118.
Province
Laws, iv., 29,
chap. 12; 443,
note. *Ante*,
p. 212, chap. 10.
Supra, chap.
160.

CHAPTER 162.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF STEPH. WHITING IN BANKRUPTCY.

A PETITION of Stephen Whiting of Boston; setting forth That he hath in all respects complied with the late Act of this Government providing remedy for Bankrupts and their Creditors but that he is prevented receiving the benefit of said Act by reason of his Majesty's disallowance of the same, as particularly mentioned in the foregoing Petition of Jeremiah and Samuel Osborne; And praying Relief.

Legislative
Records of the
Council, xxiii.,
114.

House Jour-
nal, p. 116.
Province
Laws, iv., 443,
note. *Supra*,
chaps. 160, 161.

Read and

Ordered That the further Consideration of this Petition be referred 'till the next Sitting of this Court; and all proceedings with regard to the Effects of the Petitioner in the hands of the Assignees be stayed. [*Passed November 8.*]

CHAPTER 163.

ORDER ALLOWING £1. 6. 5 TO JON^A WARD, ADMINISTRATOR.

Legislative
Records of the
Council, xxiii.,
114. Mass.
Archives,
lxxviii., 185.

A PETITION of Jonathan ¹ Ward of Southborough Administrator of the Estate of Joseph Bellows deceased, a Soldier in the pay of this Province in 1758. praying an Allowance of sundry Expences occasioned by his Sickness.

Mass.
Archives,
lxxviii., 184.
House Jour-
nal, p. 117.

Read and

Ordered that the Sum of One pound Six Shillings and five pence be paid out of the publick Treasury to Joseph Buckminster Esq^r for the Use of the Pet^r in full consideration for his sufferings within mentioned. [*Passed November 8.*]

CHAPTER 164.

ORDER ALLOWING £3. 5. 8 TO ABR^A SMITH.

Legislative
Records of the
Council, xxiii.,
115. Mass.
Archives,
lxxviii., 112.

A PETITION of Abraham Smith of Lynn, a Soldier in the pay of the Province the last Year; praying an Allowance of sundry Expences occasioned by Sickness.

Mass.
Archives,
lxxviii., 112.
House Jour-
nal, p. 117.

Read and

Ordered that the Sum of Three pounds five Shillings and eight pence be paid out of the publick Treasury to Benjamin Newhall Esq^r for the Use of the Pet^r in full consideration for his Sufferings within mentioned. [*Passed November 8.*]

CHAPTER 165.

ORDER ALLOWING £2. 16. 3 TO LEMUEL NEWTON.

Legislative
Records of the
Council, xxiii.,
115. Mass.
Archives,
lxxviii., 475.

A PETITION of Lemuel Newton of Southborough a Soldier in the pay of the Province the last Year; praying an Allowance of sundry Expences occasioned by reason of his Sickness.

Mass.
Archives,
lxxviii., 474.
House Jour-
nal, p. 117.

Read and

Ordered that the sum of Two pounds Sixteen Shillings and three pence be paid out of the publick Treasury to Joseph Buckminster Esq^r for the Use of the Petitioner in full consideration for his Sufferings within mentioned. [*Passed November 8.*]

¹ The House Journal, p. 117, reads, "*Joshua.*"

CHAPTER 166.

ORDER ALLOWING £13. 10 TO EL. LEONARD.

A PETITION of Eliphalet Leonard of Easton; setting forth That his Servant John Mears inlisted the last Year into his Majesty's Service in the Pay of the Province, and proceeded therein in Capt. James Andrews's Company of Col^o Doty's Regiment, and so continued till the 20th October, when he was dismissed at Schenectada, but that it so happens he is not made up in the Muster Roll; And praying Relief.

Read and

Ordered that the Sum of thirteen pounds ten Shillings be paid the Pet^r out of the publick Treasury in full consideration for the Service and Wages of his Servant John Mears abovenamed. [*Passed November 8.*]

Legislative
Records of the
Council, xxiii.,
115. Mass.
Archives,
lxxviii., 639.
House Jour-
nal, pp. 114,
118.

CHAPTER 167.

ORDER IMPOWERING EDWARD WIGGLESWORTH, GUARDIAN, TO SELL LANDS AND MEADOWS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Edward Wigglesworth of Boston, Guardian of Samuel Porter a Minor Son of the Rev^d M^r Porter late of Sherburn deceased; setting forth that the said M^r Porter intended that his said Son should have a liberal Education at Harvard College, and that he will be fit to enter College the next Year; That the said Minors Income is insufficient to defray the Expence of such Education That the said Minor and his Sister Mary Porter (who is of full Age) Are possessed of Eight Acres of Wood Land in Cambridge in right of their Uncle M^r Stephen Coolidge late of said Cambridge deceased, and of One Acre of Meadow land in right of their deceased Mother M^{rs} Mary Porter That the said Lands rent for but little, and lie more than twenty Miles distant from the other Real Estate of the said Minor; That his Sister Mary Porter is about Selling her Share of said Lands; And praying that he the said Edward Wigglesworth may be empowered to join with her in said Sale, the proceeds to be applied for the purpose aforesaid.

Read and

Ordered that the Prayer of this Petⁿ be granted and that the Pet^r be and he hereby is Authorised (in his Capacity of Guardian to the Minor herein named) to make Sale of the lands and Meadows within mentioned. And to Execute a good Deed or Deeds of Conveyance of the same. He observing the direction of the Law with respect to the Sale of real Estates by Exeu^{rs} and Adm^s.

And giving caution to the Judge of Probate for the County of Middlesex duely to Apply the Proceeds of such Sale for the Education of the said Minor agreeable to the Prayer of the Petⁿ. [*Passed November 8.*]

Legislative
Records of the
Council, xxiii.,
115. Mass.
Archives,
lviii., 436.
Mass.
Archives,
lviii., 434.
House Jour-
nal, pp. 105, 117,
118. Province
Laws, ii., 151,
chap. 10.

CHAPTER 168.

RESOLVE IN REGARD TO 1,500 ACRES OF LAND GRANTED TO THOS^s PLAISTED.

Legislative
Records of the
Council, xxiii.,
116.

House Jour-
nal, pp. 116, 117.
Province
Laws, xii.,
221, chap. 220;
285, chap. 56.

WHEREAS the Great and General Court in the year. 1735. granted a Tract of Fifteen hundred Acres of the unappropriated Lands of this Province to Thomas Plaisted his Heirs and Assigns upon certain Conditions and proviso's particularly mentioned in said Grant, and a Plat. thereof was also accepted upon Conditions in the year. 1736. And it appearing to this Court that the said Thomas Plaisted has greatly failed in performing the Conditions of said Grant, and has not answered the good Intentions of the Government therein.

Therefore

Resolved That William Richardson Esq^r be appointed to take Possession of the said Lands in the name and behalf of this Government and to eject any Person or Persons in due course of Law that may now have or shall hereafter get Possession of the same and make return of his Doings to this Court forthwith. [*Passed November 9.*]

CHAPTER 169.

RESOLVE IN REGARD TO SUPPLIES FOR PROVINCIAL FORCES IN LOUISBOURG AND NOVA SCOTIA, AND DIRECTING THE TREASURER TO PAY TWO MONTHS WAGES TO THEIR FAMILIES, &c.

Legislative
Records of the
Council, xxiii.,
117.

Mass.
Archives,
lxxviii., 641.
House Jour-
nal, pp. 113, 114.
Ante, p. 348,
chap. 335.

WHEREAS for the Securing the important Acquisition of Quebec, it may be found necessary that the Regular Forces which are now at Quebec and were designed to relieve the Provincial Forces destined to Louisbourg and Nova Scotia should be detained at Quebec during the Winter Season, and in Confidence that the Provincial Forces now at Louisbourg and Nova Scotia upon this great Emergency will be ready and willing to tarry there until they can be relieved by the Regular Forces, and it being probable that the several Garrisons in which the said Provincial Forces are now posted may not be already furnished by the Crown with Bedding and Blankets sufficient for the comfortable Subsistence of said Forces for the Cold Season that is coming on.

Therefore

Resolved That the Commissary General be directed to send as many Beds and Blankets as may be sufficient to supply such Non Commissioned Officers and Soldiers that are in the Service of this province at Louisbourg or Nova Scotia, and have left Families that are Necessitous that the Treasurer be directed to pay to each of such Families two Months Wages provided those who have the Care of such Families shall produce to the Governour and Council, a Certificate from the Commanding Officer of the Militia Company such Non Commissioned Officer or Soldier belonged to, that such Soldier is in the Service Eastward, and that the Family of such Soldier is Necessitous; and that all such Officers and Soldiers who shall continue there during the Winter Season or until they may be relieved by the Kings Forces shall be intitled to the same Wages During such

their Continuance there in the Service as they were intituled to by the Establishment upon which they inlisted into the Service the last Spring. [*Passed November 9.*]

CHAPTER 170.

VOTE THAT JOHN KING AND FAMILY BE REMOVED FROM BILLERICA TO DUNSTABLE; ALSO VOTE THAT THE SELECT MEN OF DUNSTABLE RECEIVE AND PROVIDE FOR THEM.

A PETITION of William Stickney and others Selectmen of Billerica; setting forth That in the year. 1755. one John King and his Family being some of the late French Inhabitants of Nova Scotia were placed by the Government in said Town, where they have been very burthensome to them; That the term for which they hired the House wherein said French people dwell expires the 15th instant and that they cannot hire the same again, nor any other, wherein to Accommodate them; And praying that they may be removed to some other Town that can better Accommodate them, and which has not been burthened as they have been.

Read and

Voted that the wthin named John King and His Family be removed from Billerica to Dunstable at the Charge of the Town of Billerica Also

Voted that the Select Men of Dunstable be and they hereby are directed to receive the said King and Family and make suitable provision for them. [*Passed November 9.*]

Legislative
Records of the
Council, xxiii.,
118. Mass.
Archives,
xxiv., 234.

Mass.
Archives,
xxiv., 233.
House Jour-
nal, pp. 118, 121.
Province
Laws, xv., 428,
chap. 248.

CHAPTER 171.

RESOLVE APPOINTING A COMMITTEE TO APPOINT AND REMOVE PERSONS IN THE LINEN MANUFACTORY HOUSE.

WHEREAS Provision has been made by a Law of this Province made and passed in the 26th year of his majesty's Reign intituled "An Act for granting the Sum of Fifteen hundred pounds to encourage the Manufacture of Linnen" for the raising said Sum "to be applied to the purchasing a peice of Land, and building or purchasing a convenient House within the Town of Boston for carrying on the business of spinning, weaving and other necessary parts of the Linnen manufacture and to no other Purpose whatsoever" and Andrew Oliver Thomas Greene, Thomas Hubbard, John Franklin, Middlecot Cooke, Thomas Gunter, William Clarke, Sylvester Gardiner, William Bowdoin, and Isaac Winslow, or the major part of them were by said Act impowered to collect said money and apply the same to the purposes aforesaid; and divers Sums of money have been raised and an house has been built accordingly. But a doubt has arisen with respect to the Power or Right of the persons before-named to place in said House, Persons for the purposes of such Manufacture and to remove such persons from time to time at pleasure.

Legislative
Records of the
Council, xxiii.,
119. Mass.
Archives,
lix., 456.

House Jour-
nal, pp. 11, 48,
49, 121, 122.
Province
Laws, iii., 680,
chap. 8.

It is therefore

Resolved That the said Andrew Oliver, Thomas Greene, Thomas Hubbard, Middlecot Cooke, Thomas Gunter, William Clarke, Sylvester Gardiner, William Bowdoin, and Isaac Winslow, being the Survivors of the Persons first named above, together with Thomas Hancock Esq, or the major part of them, be and hereby are declared to be a Committee of this Court fully authorized and empowered to place any person or persons in said House for the purposes of such Manufactory, and to remove such Persons at their discretion, during the pleasure of the General Court.

Provided that this Order shall not be under stood to subject the Government to any Charges or Expences which have been incurred by means or on account of said Building, or by executing the Powers hereby granted. [*Passed November 9.*]

CHAPTER 172.

RESOLVE ALLOWING 2 PENCE STERLING PER DIEM BILLETING MONEY TO SOLDIERS RETURNING FROM WESTWARD.

Legislative
Records of the
Council, xxiii.,
120. Mass.
Archives,
lxxviii., 645.

Legislative
Records of the
Council, xxiii.,
120. House
Journal, p. 121.

Resolved that two pence Sterling per Diem be allowed to each man to whom it shall become due on his return home from the Westward at the time and place where they receive their four pence of the King's Officer The said two pence to be paid by some proper Person appointed by His Excellency for this purpose. [*Passed November 9.*]

CHAPTER 173.

VOTE CONTINUING THE ESTABLISHMENT FOR THE PROVINCE SHIP KING GEORGE.

Legislative
Records of the
Council, xxiii.,
120. Mass.
Archives,
lxvi., 6.

House Jour-
nal, p. 122.
Ante, p. 419,
chap. 142.

Voted that the Establishment of the Province Ship King George which expired the 6th Curr^t be further Lengthned to the 20th Curr^t if Her Cruize should continue so long. [*Passed November 9.*]

CHAPTER 174.

ORDER WITH NOTICE REFERRING THE PETITION OF DIVERS INHABITANTS OF DUXBOROUGH, PEMBROKE, KINGSTON AND PLIMPTON FOR LAND FOR A TOWNSHIP.

Legislative
Records of the
Council, xxiii.,
104.

House Jour-
nal, pp. 108,
111, 113.

A PETITION of Wait Wadsworth and about Sixty five others praying for a Grant of a suitable Tract of Land on the Bay or River of Penobscot, for a Township, under such Rules and Regulations as the Court shall judge proper, Accompanied with the following Message from his Excellency the Governour.

Gentlemen of the Council and House of Representatives.

Upon Occasion of this Petition, I would recommend it to You to consider what Lands We have to grant. T. POWNALL.

Read and

Ordered That the Consideration of this Petition be referred till

the next Session of this Court; And that all Persons who have any Claims to Lands at or near Penobscot give them into the Secretarys Office before the first day of February next; And that notice be given of this Order in the Boston News papers accordingly. [*Passed November 10.*¹

CHAPTER 175.

ORDER SUBSTITUTING M^R WOODBRIDGE BROWN FOR MOSES MARCY, ESQ^R, ON THE COMMITTEE ON NATICK AFFAIRS.

Legislative
Records of the
Council, xxiii.,
122.

Ordered That M^r Woodbridge Brown be of the Committee appointed the 13th of June last to repair to Natick &c. in the room of Moses Marcy Esq^r who is Absent. [*Passed November 10.*

House Jour-
nal, p. 126.
Ante, p. 388,
chap. 57.

CHAPTER 176.

VOTE REFERRING ALL UNFINISHED MATTERS.

Voted That all Matters which have day at this Sitting of the Court and are not passed upon have the same day at the next Session of this Court. [*Passed November 10.*

Legislative
Records of the
Council, xxiii.,
122.

House Jour-
nal, p. 126.

CHAPTER 177.

VOTE IN REGARD TO THE PAY OF THE SEAMEN SERVING UNDER ADMIRAL SAUNDERS.

Voted that such of the Forces of this Province Who have Served His Majesty in the Fleet under the Command of Vice Admiral Saunders be paid at the rate of Six Dollars per Month from the Date of their Enlistment to the time of their arrival and discharge in this Province, first deducting from each Person's pay the amount of his Wages while on board His Majesty's Ship

Legislative
Records of the
Council, xxiii.,
122. Mass.
Archives,
lxvi., 9.

But in consideration of the Discount that will necessarily arise on the Sale of the Tickets the Sum Sterling shall be accounted only as Lawful money. And that the Commissary Gen^l be directed to make the same Provision for these Men to enable them to return to their respective places of Abode, and for those that are Sick as He is directed to do for those expected from Nova Scotia and Louisburg by Vote of the 11th of October last

House Jour-
nal, p. 126.
Ante, p. 404,
chap. 99.

And the Commissary Gen^l is hereby directed to make up their Pay roll certifie the Same and present it to the Board accordingly. [*Passed November 10.*

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 6.

CHAPTER 178.

ORDER ALLOWING £1. 12. 1 TO SAM^L SHATTUCK.

Legislative
Records of the
Council, xxiii.,
123. Mass.
Archives,
lxxviii., 648.

Mass.
Archives,
lxxviii., 648.
House Jour-
nal, p. 125.

A PETITION of Samuel Shattuck of Groton; praying an Allowance of the Expence occasioned by the Sickness of his Son Benjamin Shattuck, who went as a Soldier the last Year to the Westward in Capt. Lawrence's Company of Col^o Nichols's Regiment.

Read and

Ordered that the sum of One pound twelve Shillings and One penny be allowed and paid out of the publick Treasury to William Lawrence Esq for the Use of the Pet^r in full consideration for his Sufferings within mentioned. [*Passed November 10.*]

CHAPTER 179.

VOTE DESIRING THE CAPT^T GENERAL TO GIVE ORDERS FOR DISCHARGE OF 16 MEN AT FORT HALIFAX AND OFFERING A BOUNTY FOR THEIR RE-ENLISTMENT.

Legislative
Records of the
Council, xxiii.,
123. Mass.
Archives,
lxxviii., 646.

House Jour-
nal, p. 126.
Ante, p. 405,
chap. 100.

Voted that the Captain General be desired to give Orders for discharging the Sixteen Men at Fort Hallifax Who have requested it the time for which they inlisted being expired.

And that five Dollars be allowed to each Man of that number as an encouragment; Who shall inlist into that Service for one Year

And that upon failure of such Enlistment the Captain General be desired to give Orders for an Impress. [*Passed November 10.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SECOND DAY OF JANUARY, A.D. 1760.

CHAPTER 180.

ORDER GRANTING TO DAVID BRADLEY, JUN^r, LICENCE TO KEEP AN INN.

A PETITION of David Bradley Jun^r of Haverhill in the County of Essex Setting forth that he hath purchased a House of John Young in said Town which for many years past hath been licensed for a Tavern, and is conveniently Situated for that purpose, And praying that he may have a like license.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Essex be and they hereby are allowed and impowered (if they See cause) at their next Session to grant the Pet^r a Licence to keep a Tavern the remaining part of the Year; the time for granting Licences being elapsed notwithstanding. [*Passed January 3.*]

Legislative
Records of the
Council, xxiii.,
127. Mass.
Archives,
cxi., 460.

House Jour-
nal, p. 129.

CHAPTER 181.

ORDER IMPOWERING THO^s COCKRAN, GUARDIAN, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Cockran of Pelham in the County of Hampshire, Guardian to Joseph Gray of Pelham, a minor of about sixteen years of Age. Setting forth that the said minor hath a weakness in his Legs which renders him utterly unable to earn his living by Labour, and that he is never like to be better. That said Joseph hath a Rough Tract of land lying in Rutland being about One hundred and seven Acres left him by his Father, and is the whole of his Estate. And Praying that he the said Thomas may be impowred to Sell said Land, and improve the money arising by Sale, at Interest for the maintenance of said minor.

Read and

Ordered That the Prayer of the Petition be granted, and that Thomas Cockran Guardian to Joseph Gray the minor within mentioned be impowred to make Sale of the Farm of land within mentioned for the most it will fetch, and make and Execute a Good Deed or Deeds of the same in the law, and that the proceeds of the Sale of said Farm be put at Interest, and such part thereof as may be necessary from time to time employed for the support and maintenance of the said minor. And that the said Thomas Cockran give caution to the Judge of Probate for the County of Hampshire to account for his Proceedings in the Premises. [*Passed January 5.*]

Legislative
Records of the
Council, xxiii.,
131.

House Jour-
nal, pp. 133,
138.

CHAPTER 182.

ORDER IMPOWERING ELISHA HUBBARD TO SELL OR EXCHANGE LANDS,
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
132.

House Jour-
nal, pp. 133,
138.

A PETITION of Elijah and Submit Graves both of Hatfield in the County of Hampshire Setting forth that Joseph Dickinson late of said Hatfield deceased died Seized of certain Lands in said Hatfield viz^t of One twelfth part of a Tract containing twenty three Acres Commonly known by the name of the mill Swamp, Also of part of the Lot in the fourth Division of Commons so called, Originally allotted to Samuel Dickenson being between four and five Rods wide and four miles in length, which Lands thus circumstanced are like to be of but little advantage to the heirs of said Joseph, who are now minors, one of thirteen, and the other of eleven Years of Age, and may now be disposed of to Advantage. The said Elijah and Submit (She being mother and Guardian to said Minors) being about to leave the Province soon Therefore Praying That Mr. Elisha Hubbard of said Hatfield may be impowered in behalf of said minors to divide the aforesaid Tracts with the other Proprietors and to sell or exchange the said minors Proportion of the same.

Read and

Ordered That the Prayer of this Petitioner be granted. And Mr Elisha Hubbard of Hatfield be appointed and impowered as a person in trust to make Sale of or exchange all or any part of the Lands mentioned in the Petition belonging to the heirs of Joseph Dickinson late of Hatfield deceased, and as occasion shall require make and Execute a good Deed or Deeds in the Law for the same as Also to take and receive Deeds for their use, and that the Proceeds of the Sale of said land be put out at Interest by said Elisha Hubbard and continued so from time to time And that he give caution to the Judge of Probate for the County of Hampshire to account with the said heirs as they respectively arrive at Age. [*Passed January 5.*]

CHAPTER 183.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
133.

House Jour-
nal, p. 143.

Voted that the sum of Three pounds ten shillings be paid out of the Publick Treasury to Artemas Ward Esq^r for the use of Jonathan Morse in full consideration for the Services and Sufferings in the Petition mentioned. To Mr Benjamin Day the sum of One pound ten shillings and six pence for the use of Benoni Robins in full. And two pounds eighteen shillings and eight pence for the use of Nathanael Ide in full. To Cap^t Henry King One pound twelve shillings and eight pence for the use of Offin Burnham in full, To Cap^t Daniel Burt for the use of John Mighill One pound four shillings in full. To William Stevens Esq^r for the use of Robert Knowlton the sum of Two pounds ten shillings in full. [*Passed January 7.*]

CHAPTER 184.

ORDER ALLOWING £8 TO EBENEZER PRATT.

A PETITION of Ebenezer Pratt of Bridgewater setting forth That in April 1756. He inlisted in his Majestys Service under Cap^t Bacon of Dedham, and on the 15th of August following being then upon duty was taken Prisoner by the Indians near Fort William Henry: that in may following he was redeemed of the Indians by the Governor of Montreal, where he was detained a Prisoner till November last, when upon an Exchange of Prisoners he was Released from his Captivity and returned home on the 6th December. And Praying Relief.

Legislative
Records of the
Council, xxiii.,
134. Mass.
Archives,
lxxviii., 743.

Mass.
Archives,
lxxviii., 743.
House Jour-
nal, pp. 140,
144.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to Cap^t Howard for the Use of the Pet^r in full consideration for his Services and Sufferings within mentioned. [*Passed January 8.*]

CHAPTER 185.

ORDER ALLOWING £2. 4 TO JEMIMA M FUN.

A PETITION of Jemima M^cFun of Middleborough Setting forth That her late Husband Robert M^cFun was a Soldier in the pay of the Province in Col^o Dotys Regiment in 1758: that when the Service was over he returned by way of Albany to Dartmouth, by water, and took the Small Pox aboard the Vessel, whereof he dyed after he got home. And Praying an Allowance of the Charge in his Sickness.

Legislative
Records of the
Council, xxiii.,
134. Mass.
Archives,
lxxviii., 574.

Mass.
Archives,
lxxviii., 573.
House Jour-
nal, p. 145.

Read and

Ordered that the Sum of two pounds four Shillings be allowed and paid out of the publick Treasury to Cap^t Ebenezer Sprout for the Use of the Pet^r in full. [*Passed January 8.*]

CHAPTER 186.

ORDER ALLOWING £1. 16. 2 TO DAMARIS HAPGOOD.

A PETITION of Damaris Hapgood of Shrewsbury Praying an Allowance of the Expencc she was at in sending a man and horse to Kenderhook to bring home her sick son, a Soldier in the Pay of the Province in 1758.

Legislative
Records of the
Council, xxiii.,
135. Mass.
Archives,
lxxviii., 179.

Read and

Ordered that the Sum of One pound Sixteen Shillings and two pence be allowed and paid out of the publick Treasury to Artemas Ward Esq^r for the Use of the Pet^r in full.¹ [*Passed January 8.*]

¹ Not found in the House Journal.

CHAPTER 187.

VOTE ALLOWING WAGES AND TRAVELLING EXPENSES TO CAPT^{TS} MAKING UP MUSTER ROLLS.

Legislative
Records of the
Council, xxiii.,
135.

House Jour-
nal, p. 146.

Voted that there be allowed Wages to each Captain or Chief Officer of the Several Companies in the Forces raised by this Government for the Invasion of Canada and who are now discharged fifteen days after his return home for making up his Muster Rolls: Also for his Travel to Boston in order to make up and present the same, allowing twenty miles for a days travel. [*Passed January 8.*]

CHAPTER 188.

ORDER ALLOWING £1. 19. 4 TO CAPT. ED: RICHMOND.

Legislative
Records of the
Council, xxiii.,
134. Mass.
Archives,
lxxviii., 680.

Mass.
Archives,
lxxviii., 679.
House Jour-
nal, pp. 135, 145.

A PETITION of Edward Richmond, Captain of one of the Foot Companies in the Town of Taunton. setting forth that the last Spring he impressed one Jacob Briggs, who afterwards absconded, whereupon he received a Warrant from the Colonel of the Regiment to apprehend the said Briggs and convey him to Castle William, which he accordingly did. And Praying a reimbursement of his Cost and Charges.

Read and

Ordered that the sum of One pound Nineteen shillings and four pence be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Services within mentioned.

And that said Sum be stopped out of the said Briggs's wages in the Muster Roll of the Company to which he belonged, when said Roll shall be made up. [*Passed January 9.*]¹

CHAPTER 189.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxiii.,
137.

House Jour-
nal, pp. 15, 148.

THE ACCOUNT of Jonathan Bacon Treasurer of the County of Barnstable dated May 10th 1759 having been presented to the Court for their Allowance.

Read and

Ordered that the within Account be allowed, and that the Treasurer be accordingly discharged of the sum of Sixty one pounds and three pence. And that the said Treasurer be accountable to said County for the ballance of the within Account being Seventy two pounds eleven shillings and seven pence one farthing. [*Passed January 9.*]

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 8.

CHAPTER 190.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITIONS OF EDMUND, HENRY AND EDMUND, JR., QUINCY IN BANKRUPTCY AND EXEMPTING THEM FROM ARREST AND ATTACHMENT.

A PETITION [*ante*, p. 425, chap. 161] of Edmund Quincey, Edmund Quincey, jun^r and Henry Quincey, Persons declared Bankrupts

Read and

Ordered That the Consideration of this Petition be referred to the second Wednesday of the next Session, and that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all arrests and attachments for debts contracted before they were declared Bankrupts, and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed. [*Passed January 10.*]

Legislative
Records of the
Council, xxiii.,
138. Mass.
Archives, clii.,
746.

House Jour-
nal, pp. 58, 59,
118, 150.
Province
Laws, iv., 443,
444, notes.
Ante, p. 425,
chap. 161.

CHAPTER 191.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF JERE & SAM^r OSBORNE, IN BANKRUPTCY, AND EXEMPTING THEM FROM ARREST AND ATTACHMENT.

A PETITION [*ante*, p. 424, chap. 160] of Jeremah and Samuel Osborne Persons declared Bankrupts

Read: And

Ordered that the Consideration of this Petition be further referred to the second Wednesday of the next Session, and that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts, and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise Stayed. [*Passed January 10.*]

Legislative
Records of the
Council, xxiii.,
139.

House Jour-
nal, pp. 58, 59,
118, 150.
Province
Laws, iv., 444,
note. *Ante*,
p. 424, chap.
160. *Supra*,
chap. 190.

CHAPTER 192.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF STE: WHITING IN BANKRUPTCY.

A PETITION [*ante*, p. 425, chap. 162] of Stephen Whiting, a Person declared Bankrupt

Read and

Ordered That the further consideration of this Petition be referred to the second Wednesday of the next may Session; and all Proceedings with regard to the Effects of the Petitioner in the hands of the Assignees are stayed in the mean time. [*Passed January 10.*]

Legislative
Records of the
Council, xxiii.,
139.

House Jour-
nal, pp. 116,
150. Province
Laws, iv., 444,
note. *Ante*,
p. 425, chap.
162. *Supra*,
chaps. 190, 191.

CHAPTER 193.

VOTES TRANSFERRING CERTAIN APPROPRIATIONS TO CERTAIN OTHER PURPOSES THAN THOSE ORIGINALLY NAMED.

Legislative
Records of the
Council, xxiii.,
139.

House Jour-
nal, p. 153.
Province
Laws, iv., 268,
chap. 8.

Voted That the sum of Three hundred pounds be transferred from the Appropriation for Forts and Garrisons to the Appropriation for the alarm.

Voted Also That the sum of Fifteen hundred pounds be transferred from the Appropriation for the Invasion &c. 1759 to the Appropriation for Commissaries disbursments. [*Passed January 10.*]

CHAPTER 194.

ORDER ALLOWING £8 TO ISAAC FOSTER.

Legislative
Records of the
Council, xxiii.,
140. Mass.
Archives,
lxxviii., 681.

Mass.
Archives,
lxxviii., 681.
House Jour-
nal, pp. 148, 152,
153.

A PETITION of Isaac Foster of Andover, a Soldier in the Pay of the Province Setting forth That on the 19th of September 1756 being out on a detachment from Fort William Henry, he was taken Prisoner by the Indians, who carried him to Lake Almipagon, lying 150 miles north of Lake Superior, where he was detained two years, when he was permitted to come with the Indians to Detroit, where he was detained fourteen months longer, after which he was brought to Crown point and exchanged. And Praying an Allowance.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to Samuel Phillips Esq^r for the Use of the Pet^r in full consideration for his Services and Sufferings within mentioned. [*Passed January 10.*]

CHAPTER 195.

ORDER IMPOWERING ELIZABETH MARTIN, ADM^x, TO EXECUTE A DEED OR DEEDS FOR ONE THIRD OF AN ESTATE AND TO DIVIDE THE REMAINDER ACCORDING TO LAW.

Legislative
Records of the
Council, xxiii.,
142.

House Jour-
nal, pp. 151, 152,
153. Province
Laws, xii., 250,
chap. 283.

A PETITION of Elisabeth Martyn of Lunenburgh Setting forth That her late Husband John Martyn jun^r was together with his two Brothers Joshua Martyn and George Martyn intituled to one Right, or sixty third part of a new Township called Ipswich Canada, and that she being unable to fulfill the Conditions of the Courts Grant of said Township by clearing and building did in conjunction with the said Joshua and George Covenant with David Goodridge of Lunenburgh to grant him the House lot Consisting of One hundred Acres upon his performing the said Conditions, which he has accordingly done. And Praying that she may be enabled to make a Deed of one third part of said House lot Agreeable to the Contract beforementioned,

Read and

Ordered That the Prayer of this Petition be granted and that the

said Elizabeth martyn within named is hereby impowered in her Capacity as Administratrix on the Estate of her late Husband John martyn deceased to make and Execute a good Deed or Deeds in the Law to the within named David Goodridge his heirs and Assignes of One third of a House Lot Consisting of One hundred Acres as within mentioned: and that the remaining part of the Share of the within mentioned John deceased in the right mentioned be divided according to Law among the heirs of the said deceased. [*Passed January 11.*]

CHAPTER 196.

ORDER GRANTING TO APHIA PORTER LICENCE TO KEEP AN INN.

A PETITION of Aphia Porter of Danvas Setting forth That her late Husband John Porter of Danvers deceased had obtained a License to keep a Publick House, and that she Also hath obtained the approbation of the Selectmen for the same purpose during the remainder of the Year. And Praying that she may have liberty so to do accordingly.

Read and

Ordered that the Pet^r be allowed to keep a Tavern in the House within mentioned for and during the Term Her Husband was Licenced for. Provided She recognize before two Justices of the Peace (Quorum Unus) according to Law within fifteen days from this time for her keeping good rule and order, and duely paying the Excise. [*Passed January 11.*]

Legislative
Records of the
Council, xxiii.,
143. Mass.
Archives, cxi.,
466.

Mass.
Archives, cxi.,
465. House
Journal,
pp. 156, 157.

CHAPTER 197.

ORDER ALLOWING £3. 5. 4 EACH, TO EZEKIEL SHELDEN AND THOMAS ROWE.

A PETITION of Ezekiel Sheldon and Thomas Rowe of Sheffield Setting forth. That they marched with major Ashley to the Relief of Fort William Henry in 1757, but they having not long before removed into another Company of Melitia were Omitted in the making up his Roll. And Praying an Allowance for their said Service.

Read and

Ordered that the Sum of three pounds five Shillings and four pence be allowed out of the publick Treasury to each of the within named Pet^{rs} in full consideration for their Services mentioned. The said Sums to be paid to Cap^t Hubbell for their Use. [*Passed January 11.*]

Legislative
Records of the
Council, xxiii.,
143. Mass.
Archives,
lxxviii., 570.

Mass.
Archives,
lxxviii., 569.
House Jour-
nal, pp. 148, 157.

CHAPTER 198.

ORDER ALLOWING £60 AND VOTE ALLOWING A FURTHER SUM OF £23. 4
TO ROBERT BALLS.Legislative
Records of the
Council, xxiii.,
144. Mass.
Archives,
lxvi., 15.Mass.
Archives,
lxvi., 14.
House Jour-
nal, pp. 135, 136,
160, 161.

A PETITION of Robert Balls, Keeper of the Light House Praying an allowance for his said Service the last Year and that in making the same the Court would please to consider the dearneess of the necessities of Life. Also Praying for a reimbursment of the sum of Twenty three pounds four shillings which he has paid for Fire wood for the benefit of the Lights.

Read and

Ordered that the Sum of Sixty pounds be allowed and paid out of the publick Treasury to the Pet^r for his Services in taking care of the Light House for one Year ending the 19th of November 1759

Voted also that the further Sum of Twenty three pounds four Shillings be allowed and paid the Pet^r in full of his Account for fire wood expended for the Benefit of the Lights during that time. [*Passed January 12.*]

CHAPTER 199.

ORDER ALLOWING £8 TO OLIVER LAKIN.

Legislative
Records of the
Council, xxiii.,
144. Mass.
Archives,
lxxviii., 696.Mass.
Archives,
lxxviii., 694.
House Jour-
nal, pp. 153, 160.

A PETITION of Oliver Lakin of Groton Setting forth That being a Soldier in the Pay of the Province in the year 1758 under Cap^t Lawrence of Col^o Nichols's Regiment, He was on the 20th day of July the same Year captivated by the Indian Enemy, and after divers removes was at length Carried to Quebeck from whence he made his Escape with M^r Stobo and others in may last, and on the first of June arrived at Louisbourg, and in July arrived home. That his passage to Boston cost him six Dollars, and that during his Captivity he borrowed of some other English Prisoners, thro' the kind Assistance of Col^o Schyler about thirty five Dollars to relieve him under the hardships of his Captivity. And Praying an Allowance.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to William Laurence Esq^r for the Use of the Pet^r in full consideration for his Services and Sufferings abovementioned. [*Passed January 12.*]

CHAPTER 200.

ORDER ALLOWING £3 TO ANN DRAKE.

Legislative
Records of the
Council, xxiii.,
145. Mass.
Archives,
lxxviii., 693.Mass.
Archives,
lxxviii., 693.
House Jour-
nal, pp. 135, 159.

A PETITION of Ann Drake. Setting forth That her late husband Samuel Drake was a Soldier in Col^o Dotys' Regiment, and being discharged at Schenectada, returned his Gun &c: and took a receipt therefor. That on his return home he died, and that in making up the muster Roll there was a Stoppage made from his Wages on Account of his Gun, as thô it had not been returned And Praying Relief.

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to the Pet^r that Sum being Stopt out of her within named Husband's Wages. [*Passed January 12.*]

CHAPTER 201.

ORDER ALLOWING £1. 16 AND A FURTHER AMOUNT OF 19/8 TO JESSE TORREY.

A PETITION of Jesse Torrey of Hanover Setting forth That he inlisted as a Soldier under major House in the year 1758 but major House not making the Campaign, he was put into Cap^t Abel Keens Company, who in making up his muster Roll has entered him one month after the time of his Inlistment. And Praying Relief.

Read and

Ordered that the Sum of One pound Sixteen Shillings be allowed the Pet^r for one Month's Wages Omitted in the Muster roll and Nineteen Shillings and eight pence for twenty Nine Days Billeting.

The above Sums to be paid out of the Treasury to David Stockbridge Esq^r for the Use of the Petitioner in full. [*Passed January 14.*]

Legislative
Records of the
Council, xxiii.,
146. Mass.
Archives,
lxxviii., 590.
House Jour-
nal, p. 161.

CHAPTER 202.

ORDER GRANTING TO ICHABOD DEXTER LICENCE TO KEEP AN INN.

A PETITION of Ichabod Dexter of Pequoige in the County of Worcester Setting forth That having obtained the Approbation of the Principal Inhabitants of said Place, he set out for Worcester in August last to obtain a License from the Court of General Sessions of the Peace, then held at said Place, in order to obtain a License to keep a Publick House, but it so happened, that before he got there the said Court was Adjourned without day And as the said Court will not sit again for granting of Licenses till next August. Praying that they may be impowered to grant him a License at their next Term:

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Worcester be allowed (if they See cause) to grant the Pet^r a Licence at their next Sessions to keep a Tavern for the purpose within mentioned. [*Passed January 14.*]

Legislative
Records of the
Council, xxiii.,
146. Mass.
Archives, cxi.,
464.
Mass.
Archives, cxi.,
463. House
Journal, p. 164.

CHAPTER 203.

ORDER ALLOWING THE ACCOUNT OF DISBURSEMENTS TO MAY 30, 1759, OF THE LATE COMMISSARY GENERAL.

AN ACCOUNT of Disbursements of John Wheelwright Esq^r late Commissary General to 30th May 1759 having been presented to the Court. for their Allowance.

Legislative
Records of the
Council, xxiii.,
147.

House Journal, p. 80.

Read and

Ordered that the within Account be allowed, and the sum of One Thousand seven hundred and two pounds one penny is due from the Province to the Accomptant. [*Passed January 14.*]

CHAPTER 204.

ORDER ALLOWING THE ACCOUNT OF PROVISIONS OF THE LATE COMMISSARY GENERAL.

Legislative Records of the Council, xxiii., 147.

House Journal, p. 80.
Supra, chap. 203.

AN ACCOUNT of the late M^r Commissary Wheelwright respecting the Several Species of Provisions purchased and delivered out by him, by which Account it Appeared that he had delivered over to Thomas Hubbard Esq^r the present Commissary General Eighty seven barrells of Pork, One hundred eighty nine barrells of Beef and three hundred forty one bushels of Peas, being the ballance which remained in his Custody,

Read and

Ordered that the above written Account be allowed. [*Passed January 14.*]

CHAPTER 205.

ORDER ALLOWING THE ACCOUNT OF INDIAN TRADE OF THE LATE COMMISSARY GENERAL.

Legislative Records of the Council, xxiii., 147.

House Journal, p. 80.
Supra, chap. 204.

AN ACCOUNT of John Wheelwright Esq^r the Officer for managing the Indian Trade, being presented to the Court, by which Account it Appeared that the Ballance for which he was further to Account amounted to One thousand and forty two pounds one shilling and Eleven pence.

Read and

Ordered That this Account be allowed, and that the Ballance due from John Wheelwright Esq^r the Officer for managing the Indian Truck Trade, he further Account for. [*Passed January 14.*]

CHAPTER 206.

ORDER IMPOWERING ABIGAIL LITTLE, EXECUTRIX, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxiii., 148.

House Journal, pp. 155, 161.
Province Laws, ii., 151, chap. 10.

A PETITION of Abigail Little Widow and Executrix of the last Will and Testament of Isaac Little late of Pembroke Esq^r deceased Setting forth That the deceaseds personal Estate is not Sufficient to pay his just debts. And Praying she may have leave to sell three small Tracts of land lying in the County of Plymouth for that purpose viz^t one peice lying in Pembroke containing about nine Acres which the Testator bought of Simeon Cooke as by Deed dated 24th December 1753 One other Lot lying in Halifax in said County and is the sixty eighth Lot in the majors Purchase so called one half of which the Testator bought of Thomas Tyler and Bethiah

his Wife and Lucy Little the other half being before invested in him. And one other peice of land lying in marshfield in said County containing about sixteen Acres as by Deed from Otis Little Esq^r dated 8th February 1754.

Read and

Ordered That the Prayer of this petition be granted, And that the Petitioner in her said Capacity be, and she hereby is impowered to make sale of the three peices of Land mentioned in the Petition for the most the same will fetch and to make and Execute a good and Sufficient Deed or Deeds of the same, she observing the direction of the Law relating to the Sale of Real Estates, and give Sufficient caution to the Judge of Probate for the County of Plymouth that the proceeds arising by said Sale be applied for the payment of the just debts of the said deceased. [*Passed January 14.*]

CHAPTER 207.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY SEAMEN ENLISTED ON HIS MAJESTY'S SHIPS OF WAR, AND SOLDIERS ENLISTED AS SEAMEN.

Voted, That the several Persons who inlisted themselves as Seamen to serve his Majesty on Board his Ships of War in the late Expedition against Canada; and also the several Persons who inlisted themselves as Soldiers in the Service of this Province, and afterwards entred on Board said Ships as Seamen upon the Encouragement afors^d be paid the Sum of thirty six Shillings per Month from the Time of their inlisting into the Service until the Time of their Arrival at their respective Homes; excepting such Sums as they have already received on Board his Majesty's Ships; and that the Treasurer be accordingly directed to pay the same to them, their Executors or Administrators, provided the same be demanded within three Months from this Time; they respectively lodging with him Powers of Attorney properly authenticated, enabling him to receive for the Use of the Province the several Sums due to them as Sailors in his Majesty's Service; and at the same Time declaring upon Oath before a Justice of the Peace or before the said Treasurer (who is hereby empower'd to administer the same) that they have not, nor will give any other Power of Attorney to any other Person for the receiving of what is due to them as Sailors as aforesaid; and that the Treasurer be further directed to take their respective Receipts, specifying that they have received from this Province the full of their Pay due to them from the Crown as Sailors, as well as from the Province as Soldiers: And that the Secretary be directed to write by the first Opportunity to the proper Officer or Officers, acquainting them that the Province have for the Ease of the said Sailors, engaged to advance to them the full Pay due to them from the Crown. [*Passed January 15.*]

Legislative
Records of the
Council, xxii.,
150. Mass.
Archives,
lxvi., 16.

Mass.
Archives,
lxvi., 20.
Legislative
Records of the
Council, xxiii.,
146. House
Journal,
pp. 157, 158.

CHAPTER 208.

ORDER ALLOWING £8 TO JOEL CROSBY.

Legislative
Records of the
Council, xxiii.,
152. Mass.
Archives,
lxxviii., 699.

Mass.
Archives,
lxxviii., 698.
House Jour-
nal, p. 161.

A PETITION of Joel Crosby of Westford Setting forth That being a Soldier in Col^o Nichols's Regiment in the Pay of this Province he was captivated by the Indian Enemy on the 20th July 1758, and by them carried to the French Settlements, where he remained a Prisoner till November last, enduring great hardships during his Captivity, And Praying Relief.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to William Lawrence Esq^r for the Use of the Pet^r in full for his Services and Sufferings abovementioned. [*Passed January 15.*]

CHAPTER 209.

ORDER ALLOWING £6 TO DAVID ANDREWS.

Legislative
Records of the
Council, xxiii.,
152. Mass.
Archives,
lxxviii., 487.

House Jour-
nal, pp. 40, 130,
135.

A PETITION of David Andrews of Taunton Setting forth that on the 31st March 1758 he inlisted as a Soldier in the pay of this Province and passed muster, but that a few days before the Company was to march off, he was taken Sick and so continued for two months: And that when he recovered he was ordered to Castle William and there remained 'till the 30th October 1758, when he was discharged by the Captain General: but that he is not made up in any muster Roll nor has he received any Pay. And Praying Relief.

Read and

Ordered that the Petitioner be allowed and paid out of the publick Treasury the Sum of Six pounds in full consideration for His Services and Sufferings wthin mentioned. [*Passed January 15.*]

CHAPTER 210.

ORDER GRANTING TO LUKE BLASHFIELD LICENSE TO KEEP AN INN.

Legislative
Records of the
Council, xxiii.,
153.

Mass.
Archives, cxl.,
455. House
Journal, p. 164.

A PETITION of Luke Blashfield of Brimfield in the County of Hampshire Setting forth That he lives upon a Public Road much frequented by Travellers, and often crowded with Soldiers on their marches, who need refreshment, there being no publick House near him, and that he is Solicited by a great number of the Inhabitants of Brimfield to keep a Tavern. Therefore Praying that he may obtain a License for that purpose.

Read and

Ordered That the Justices of the General Sessions of the Peace for the County of Hampshire be allowed (if they see cause) to grant the Petitioner a License to keep Tavern, he first Obtaining the Recommendation of the Select men of Brimfield for that purpose, the time for granting Licenses being elapsed notwithstanding. [*Passed January 16.*]

CHAPTER 211.

ORDER IMPOWERING ZEB: LEONARD, GUARDIAN, TO SELL LANDS.

A PETITION of Zebulon Leonard of Middleborough in the County of Plymouth Setting forth That he is appointed Guardian to Elkanah Leonard of said middleborough Esq^r a person Non-compos mentis, and that the Estate of the said Elkanah is in debt, and a speedy Settlement is necessary, Therefore praying That he may be impowered to sell off, the said Estate to the amount of Four hundred pounds in order to discharge the said Elkanah's just debts.

Read and

Ordered That the prayer of the Petition be granted, and the Petitioner is hereby allowed and impowred to make Sale of the Lands within mentioned to the Amount of Four hundred Pounds and to make and execute a good and ample conveyance of the same in the Law to the Purchaser or Purchasers, Provided the within named Zebulon give sufficient caution to the Judge of Probate for the County of Plymouth duly to account for the Proceeds of said Sale. [*Passed January 16.*]

Legislative
Records of the
Council, xxiii.,
154.

House Jour-
nal, pp. 132, 133.

CHAPTER 212.

ORDER ALLOWING £3 TO ELIZABETH HORTON.

A PETITION of Elizabeth Horton of Rehoboth Setting forth That her son Hezekiah Bozworth was a Soldier in the pay of the Province in Cap^t Walkers Company of Col^o Dotys Regiment in the year 1758. That her said son carried his own Gun, but that there is three pounds stopped out of his Wages for not returning a Gun when the Campaign was over: And Praying Relief.

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to M^r Jerathmeel Bowers for the Use of the Petitioner in full consideration for the Stoppage of the Gun within mentioned. [*Passed January 17.*]

Legislative
Records of the
Council, xxiii.,
157. Mass.
Archives,
lxxviii., 635.

Mass.
Archives,
lxxviii., 635.
House Jour-
nal, pp. 162, 173.
Ante, p. 247,
chap. 89.

CHAPTER 213.

RESOLVE SETTING OFF DIVERS INHABITANTS OF THE SECOND PRECINCT, TO THE FIRST PRECINCT IN FALMOUTH, IN THE COUNTY OF YORK.

A PETITION of Ezekiel Cushing Esq^r and Others of the Second Parish in Falmouth Praying to be freed from paying Taxes to the Support of M^r Ephraim Clarke, lately settled as minister of said Parish,

The Committee upon the Petition of Ezekiel Cushing and others of the Second Parish in Falmouth have maturely considered it with the Answer thereto and the Papers put in by the said Ezekiel in favour of the Petitioners as also by Colonel Waldo in favour of the

Legislative
Records of the
Council, xxiii.,
150, 157. Mass.
Archives, xiv.,
132.

Mass.
Archives, xiv.,
126–131. Legis-
lative Records
of the Council,
xxiii., 16.

House Journal, pp. 24, 25, 166, 174. Province Laws, iv., 871, note.

Respondents. And upon the whole beg leave first to report Facts, and then our Opinion upon the same.

First That on the 30th day of July 1755 an Ecclesiastical Council was convened at the second Parish in said Falmouth consisting of fifteen Churches, unto which Council the difference mentioned in said Petition was Submitted, and by the Committees of the contending Parties, the Result of the said Council was to be decisive and final.

The Charges exhibited against M^r Clark were as follows

1. His want of a liberal and learned Education.
2. His separating Principles which he set out upon when he was Ordained over a Separation in Boston.

3. His immoral Conduct.

4. The Divisions, Contentions and mischiefs that will attend said Parish if M^r Clark should be installed over the Church there Said Venerable Council having considered the same put the following Question.

Question. Whether the venerable Council considering all things which have been offered, think it expedient to proceed to the Instalment of M^r Ephraim Clark in the Work of the Ministry in this Place.

Voted in the negative, And accordingly this part of their Result That they advised that he should not be installed over said Church at the same time adding therein That they find nothing in the Objections made against M^r Clarks moral Character sufficient to influence them to such a Conclusion,

They go on in their Result to advise said Church to take every prudent Step in order to such a Settlement as may be if possible unexceptionable to those of their Brethren who have differed from them.

The above Facts were taken from the minutes and Result of Council and sworn to by the Reverend M^r Langdon of Portsmouth, their Scribe

Soon after this Result said Church in Falmouth sent to the following Churches to instal M^r Clark over them viz^t. The Second Church in Kittery, the first and second Churches in Berwick, the second Church in York and two Churches more viz^t one in Ipswich and another in Gloucester. How many of the Churches were present the committee can't determine; three only of their Reverend Pastors were present viz^t M^r John Rogers and Mess^{rs} Cleavlands, who in direct opposition to the result aforesaid, and without any Renewal of the Call of M^r Clark, either by Church or Parish installed him which very extraordinary doings of theirs were laid before the Convention of ministers at their annual meeting may 27th 1756, who thereupon Voted. Nemine Contradicente that in the Opinion of this Convention all such Proceedings are very irregular. against which they think themselves obliged to bear their Testimony, as having a manifest tendency to destroy these Churches if not seasonably discountenanced.

The Committee can't but in justice to the said Ezekiel observe that the several Charges in the Respondents Answer against him are without ground and injurious.

Upon the whole the Committee apprehend the Interest of Religion the Order and Peace of the Churches of this Land in general, and in the Second Parish in Falmouth and their Vicinity in Special make it reasonable and necessary that such of said Second Parish as are aggrieved at the Settlement of said M^r Clark in manner aforesaid be

with their Estates exempt from paying Taxes to his Support and maintenance, and therefore humbly propose the following Order may pass
(Signed) SAMUEL WATTS *per* order

Said Order is Comprized in the Resolve that follows viz^t
Read and Accepted. And

Resolved That Such of the Inhabitants of the Second Parish in Falmouth who are aggrieved at the Instalment of M^r Clark, and are desirous not to sit under his Ministry (upon their transmitting their Names together with their desires to be sett to the first Parish in Falmouth) into the Secretarys Office in Boston on or before the last day of May next, be and hereby are with their Estates sett off to said first Parish in Falmouth, there to do duty and receive Priviledge till the further Order of this Court. [*Passed January 18.*]

CHAPTER 214.

ORDER ALLOWING £2. 3. 4 TO THOMAS NEAL.

A PETITION of Thomas Neal of Edgartown, a Soldier in the Pay of the Province in the year 1758. Praying an Allowance for Sixty five days Billeting from the 2^d day of March to the 5th day of July when he embarked for Albany in order to join the Regiment.

Read and

Ordered that the Sum of two pounds three Shillings and four pence be allowed and paid out of the Treasury to Maj^r Newman for the Use of the Pet^r in full consideration for the billeting within mentioned. [*Passed January 18.*]

Legislative
Records of the
Council, xxiii.,
161. Mass.
Archives,
lxxviii., 489.

Mass.
Archives,
lxxviii., 488.
House Jour-
nal, pp. 91, 174.

CHAPTER 215.

ORDER IMPOWERING JOANNA ATWOOD, ADM^x., TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joanna Atwood of Mendon Administratrix of the Estate of her late husband Benjamin Atwood late of Mendon deceased Intestate. Setting forth that the said deceased died Siezed of about Sixty two Acres of land, chiefly unimproved lying in Mendon, That the said deceaseds Estate is Insolvent and Commissioners appointed thereupon. And Praying that she may be empowered to make Sale of said lands in order to pay the deceaseds debts, saving to the Petitioner her Right of Dower.

Read and

Ordered That the Prayer of the Petition be granted, and that the Petitioner in her Capacity of Administratrix of the Estate of her late Husband Benjamin Atwood deceased be and she hereby is empowered to make Sale of the Lands within mentioned, and to give and Execute a good and Sufficient Deed or Deeds of the same, She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving Sufficient caution to the Judge of Probate for the County of Worcester to apply two Thirds of the

Legislative
Records of the
Council, xxiii.,
161.

House Jour-
nal, pp. 175, 176.
Province
Laws, ii., 151,
chap. 10.

Produce of said Land for the payment of the debts of the deceased so soon as conveniently may be, and for Securing the remaining third part of the Produce for the same purpose after the Death of the Petitioner who has her Right of Dower in said Lands. [*Passed January 19.*¹

CHAPTER 216.

ORDER IMPOWERING HANNAH MUZZEY, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
162.

House Jour-
nal, pp. 166, 177.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hannah Muzzy of Shrewsbury Widow, and Administratrix of the Estate of Benjamin Muzzy deceased Setting forth That the said deceaseds debts amount to more than his personal Estate, that said debts lye upon Interest, that his Real Estate lyes in Petersham consisting of Seventy Acres of land valued at One hundred pounds, And Praying that she may be impowered to sell the same to inable her to discharge the deceaseds debts.

Read and

Ordered That the Prayer of the Petition be granted, and that the Petitioner be and she hereby is in her said capacity impowered to make Sale of the Lands within mentioned for the most the same will fetch and to make and execute a good Deed or Deeds of the same, She Observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester that the Proceeds arising by said Sale be applied to the payment of the debts of the said deceased so far as the same is wanting and that the Residue be put out on Interest for the benefit of the Minors. [*Passed January 19.*

CHAPTER 217.

ORDER ALLOWING £10 TO PHINEAS PARKER.

Legislative
Records of the
Council, xxiii.,
162. Mass.
Archives,
lxxviii., 760.

Mass.
Archives,
lxxviii., 759.
House Jour-
nal, p. 176.

A PETITION of Phineas Parker of Boston Setting forth That on the 15th of June 1758 he inlisted in his majestys Service in the Pay of this Province, and was carried by Lieutenant Peck of Col^o Joseph Williams Regiment without receiving Blanket Billeting or Knapsack to Shenectada where he continued till the 13th September, but that he is not made up in any muster Roll, And Praying Relief.

Read and

Ordered That the Sum of ten pounds be allow'd and paid out of the publick Treasury to the Petitioner in full for his Services mention'd in the Petition within written & of all Demands. [*Passed January 19.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 18.

CHAPTER 218.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF ENOS HOW IN BANKRUPTCY AND EXEMPTING HIM FROM ARREST AND ATTACHMENT.

A PETITION of Enos How of Boston Setting forth that a Commission of Bankruptcy having been issued against him he surrendered himself, and delivered all his Estate, Effects and Credits with his Books and Accounts to Commissioners by Law appointed, and was endeavouring to obtain a Certificate from the majority of his Creditors to lay before the said Commissioners when his majestys disallowance of the Act of this Government for the Relief of Bankrupts and their Creditors was received, which has reduced him to the greatest difficulties, And Praying Relief.

Read and

Ordered That the consideration of this Petition be referred to the second Wednesday of the next may Session: and that in the mean time the Petitioner and his Estate in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared Bankrupt; and all proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Assignees be likewise stayed.¹ [*Passed January 19.*]

Legislative
Records of the
Council, xxiii.,
163.

Province
Laws, iv., 444,
note. *Ante*,
p. 424, chap.
160.

CHAPTER 219.

VOTE IMPOWERING MARY HITCHCOCK, ADM^x, TO SELL REAL ESTATE.

A PETITION of Mary Hitchcock of Brimfield Widow and Administratrix of the Estate of Jonathan Hitchcock late of said Brimfield deceased Setting forth that the deceaseds personal Estate is not Sufficient to pay his just debts, And Praying that she may have liberty to dispose of the deceaseds Real Estate to the Amount of Thirty pounds in order to discharge the said debts.

[Read and]

Voted That the Prayer of the Petition of Mary Hitchcock be granted; and that the Petitioner be and hereby is impowered to make Sale of Thirty pounds worth of the Real Estate of her late Husband where it will do the least Damage to said Estate and to execute a good Deed or Deeds in the Law for the same, She first giving Publick Notice of the Sale thereof agreeable to Law respecting the sale of Real Estates by Executors and Administrators, and also give sufficient caution to the Judge of Probates for the County of Hampshire to account for the Proceeds thereof according to Law. [*Passed January 21.*]

Legislative
Records of the
Council, xxiii.,
163.

House Jour-
nal, pp. 153, 154,
177. Province
Laws, ii., 151,
chap. 10.

¹ Not found in the House Journal.

CHAPTER 220.

ORDER ALLOWING £3 AND A FURTHER SUM OF 43/ TO W^m MARSHALL.

Legislative
Records of the
Council, xxiii.,
164. Mass.
Archives,
lxxviii., 723.

Mass.
Archives,
lxxviii., 722.
House Jour-
nal, pp. 147, 177.
Ante, p. 247,
chap. 89.

A PETITION of William marshall of Concord Setting forth That in the year 1758 his son Abel about 18 years of Age inlisted in his majestys Service in the pay of this Province, and proceeded in Cap^t Fletchers Company; that in September the same year he was taken sick and sent to Albany where he died in the Hospital, and his Arms and Pack have never since been recovered, and that for his Arms thus lost there has been three pounds stopped out of the said Abels Wages. That the Petitioner upon hearing of his Sons Sickness went up to Albany to take care of him. And Praying an Allowance for the Expence of his Journey, and for the Gun the amount whereof was Stopped as aforesaid.

Read and

Ordered that the Sum of three pounds Stop'd out of his Sons Wages (on acc^t of the Gun within mentioned) be allowed and paid out of the Treasury to the Petitioner.

And that the further sum of forty three shill^{gs} be allowed and paid to the Pet^r in full for the Expences within mentioned. [*Passed January 21.*]

CHAPTER 221.

ORDER SETTING OFF ELNATHAN REW AND OTHERS INHABITANTS OF LAND LYING WEST OF SHEFFIELD TO THE UPPER PARISH OF SHEFFIELD.

Legislative
Records of the
Council, xxiii.,
164.

House Jour-
nal, pp. 156, 177.
Province
Laws, iv., 286,
chap. 22; 349,
note.

A PETITION of Elnathan Rew, Peter Sharp Daniel Munger, Phineas nash, William Bronson, John Henton, Benajah Warner Stephen Kelog, Daniel Stephen Kelog Ebenezer Andross, Anthony Hoskins and Bartholomew Barret Inhabitants of Land lying West of the Upper Propriety or Township of Sheffield Praying they may be annexed to the Parish in Upper Sheffield and with them to be made one intire Parish.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioners be annexed to the said Upper Parish of Sheffield there to do duty and receive Priviledge. [*Passed January 21.*]

CHAPTER 222.

ORDER ALLOWING £2. 10 TO W^m JONES.

Legislative
Records of the
Council, xxlii.,
165. Mass.
Archives,
lxxviii., 690.

Mass.
Archives,
lxxviii., 688.
House Jour-
nal, pp. 162, 179.

A PETITION of William Jones of Lunenburgh Setting forth That being a Soldier in the Pay of the Province in 1757 he carried his own Gun, but that there is Two pounds ten shillings stopped out of his Wages for not returning a Gun when the Campaign was over. And Praying Relief.

Read and

Ordered that the Sum of two pounds ten Shill^{gs} be allowed and

paid out of the publick Treasury to Maj^r Hartwell for the Use of the Pet^r in full consideration for that Sum Stop'd out of his Wages. *Ante*, p. 89, chap. 199.
[*Passed January 21.*]

CHAPTER 223.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF JA^s HAYWOOD IN BANKRUPTCY AND EXEMPTING HIM FROM ARREST AND ATTACHMENT.

A PETITION of James Haywood of Woburne, a Person declared Bankrupt Setting forth that he hath delivered all his Estate, Effects and Credits with his Books and Accounts to Commissioners appointed agreeable to the Act providing remedy for Bankrupts and their Creditors, but that before he could obtain a Certificate from the majority of his Creditors, his majestys disallowance of said Act was received, whereby he is reduced to the greatest difficulties. And Praying Relief. [Report read &]

Ordered that the consideration thereof be referred to the second Wednesday of the next Session. And that in the mean time the Petitioner and his Effects in the hands of the Com^{rs} or of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared Bankrupt; and all Proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Commissioners or of the Assignees be likewise stayed. [*Passed January 22.*¹]

Legislative Records of the Council, xxiii., 143, 165.

House Journal, pp. 151, 157, 183. Province Laws, iv., 444, 445, notes. *Ante*, p. 424, chap. 160; p. 449, chap. 218.

CHAPTER 224.

ORDER GRANTING TO OTHNIEL TAYLOR LICENCE TO KEEP AN INN.

A PETITION of Othniel Taylor of Charlemont in the County of Hampshire Setting forth that there is no House of Publick Entertainment between Deerfield and New York Government; that there are many Travellers who pass that way and that he is conveniently Situated for the Business And Praying that he may Obtain a License for it.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Hampshire be allowed and impowered to grant the Pet^r a Licence to keep a Tavern (if they See cause) the stated time for granting Licences being elapsed notwithstanding. [*Passed January 22.*]

Legislative Records of the Council, xxiii., 166. Mass. Archives, cxl., 462.

Mass. Archives, cxl., 461. House Journal, p. 182.

CHAPTER 225.

ORDER GRANTING TO DANIEL HALE LICENSE TO KEEP AN INN.

A PETITION of Daniel Hale of Newbury Setting forth That there is no House for Publick Entertainment in the Road on which he

Legislative Records of the Council, xxiii.,

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 21.

167. Mass.
Archives,
cxl., 459.

Mass.
Archives,
cxl., 458.
House Jour-
nal, p. 181.

lives for eight miles, by which means he is much incommoded with Travellers, And Praying that he may obtain a License to keep a Publick house, he having Obtained the approbation of the Selectmen of the Town for that purpose.

Read and

Ordered that the Justices of the Gen^l sessions of the Peace for the County of Essex be allowed and impowered (if they see cause) to grant the Pet^r a Licence to keep a Tavern, the stated time for granting Licences being elapsed notwithstanding. [*Passed January 22.*]

CHAPTER 226.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO BENJ^A CARSELEY TWO MONTHS' WAGES FOR EACH OF HIS SONS.

Legislative
Records of the
Council, xxiii.,
167. Mass.
Archives,
lxxviii., 671.

House Jour-
nal, pp. 179, 183.

A PETITION of Benjamin Carsley of Barnstable Setting forth That he hath two sons viz^t Ambrose Carsely and Benjamin Carsley both minors and under the Petitioners care, in his majestys Service and in the Pay of this Province in Cap^t Silvanus Bourns Company at Nova Scotia. That his Family is in necessitous Circumstances And Praying that a part of his Sons wages may be advanced to him for their Support.

Read and

Ordered that the Treasurer be allowed to pay the Pet^r out of the publick Treasury two Month's Wages for each of his Sons above-named. [*Passed January 22.*]

CHAPTER 227.

ORDER ALLOWING £8 TO SIMEON COOK.

Legislative
Records of the
Council, xxiii.,
167. Mass.
Archives,
lxxviii., 758.

Mass.
Archives,
lxxviii., 758.
House Jour-
nal, pp. 173, 181.

A PETITION of Simeon Cook of new Marlborough Setting forth That he being in the Service of the Province was taken Prisoner by the Indians in September 1756 between Lake George and Albany, and by them carried to Canada, from whence he was sent to France, and upon an exchange of Prisoners sent to England. That by reason of the Sickness and hardships he endured abroad, he returned home in a Low state of health, and is not yet recovered. And Praying Relief.

Read and

Ordered that the sum of eight pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Losses and Sufferings within mentioned. [*Passed January 22.*]

CHAPTER 228.

ORDER IMPOWERING THOMAS WILSON TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Thomas Wilson of Topsham in the County of York, That he might have liberty to review an Action commenced against him by David Fulton of Pensilvania, having together with the Answer been committed to a Committee of both Houses who reported in favour of the Petition.

Read and accepted. And

Ordered That the Petitioner Thomas Wilson have liberty to bring a Writ of Review of the Action mentioned at his majestys Superior Court of Judicature &c to be held at Boston for the County of Suffolk in February next: Provided the said Thomas give Security to Cap^t William Pattin Attorney to the Respondent David Fulton to pay what shall finally be recovered against him with Interest from the time the Execution mentioned was taken out. And the Judges of said Court are hereby empowered to hear and try said Action. and give Judgment and award Execution thereon. [*Passed January 22.*]

Legislative
Records of the
Council, xxiii.,
168.

Legislative
Records of the
Council, xxiii.,
121. House
Journal,
pp. 119, 122, 176,
184.

CHAPTER 229.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINA WARE FOR THE COUNTY OF YORK, AND ALLOWING £2. 12. 8 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to Farm out the Excise on Coffee Tea and China ware for the County of York made report that they had sold the same to James Sayward for Forty nine pounds ten shillings, and presented an Account of the Charge attending said Sale amounting to Two pounds twelve shillings and eight pence.

(Signed) RICHARD CUTT p order

Read and

Ordered That the Report be accepted; and the sum of Two pounds twelve shillings and eight pence be allowed to be paid out of the Publick Treasury accordingly.¹ [*Passed* January 22.*]

Legislative
Records of the
Council, xxiii.,
169.

Executive
Records of the
Council, xiv.,
153. House
Journal, p. 171.
Ante, p. 422,
chap. 153.

CHAPTER 230.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF ESSEX, AND ALLOWING £1. 7 FOR THE EXPENSE THEREOF.

THE COMMITTEE appointed to farm out the Excise on Coffee, Tea and China ware for the County of Essex, reported that they had sold the same to M^r Jacob Ashton for two hundred and eighty five pounds, and presented an Account of the charge attending said Sale amounting to one pound seven shillings

(Signed) BENJAMIN LYNDE p Order.

Legislative
Records of the
Council, xxiii.,
169. Mass.
Archives, cxx.,
319.

House Jour-
nal, p. 141.
Executive.

¹ This order appears from the records as having been non-concurred in by the Council, but the allowance to the Committee is included in a warrant for £2. 12. 8 advised to be drawn on the Treasurer January 22, 1760. — Executive Records of the Council, xiv., 153.

Records of the
Council, xlv.,
153. *Ante*,
p. 421, chap.
146.

Read and

Ordered that this Report be accepted and that the Sum of one pound Seven Shillings be allowed and paid out of the publick Treasury to the within named Comm^{ee} in consideration of their Expences within mentioned.¹ [*Passed * January 22.*]

CHAPTER 231.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF BRISTOL, AND ALLOWING £1. 13 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxlii.,
169. Mass.
Archives, cxx.,
319.

Executive
Records of the
Council, xiv.,
153. House
Journal, p. 137.
Ante, p. 422,
chap. 152.

THE COMMITTEE appointed to farm out the Excise on Coffee, Tea and China Ware in the County of Bristol for one year ending the first of november 1759. Reported That they had sold the same to Cap^t Thomas Cobb for the sum of Six pounds eighteen shillings and presented an Account of the Charge attending said Sale amounting to One pound thirteen shillings

(Signed)

SAMUEL WHITE *per* order

Read and Accepted and

Ordered that the Sum of One pound thirteen shillings be allowed and paid out of the publick Treasury to the Comm^{ee} in consideration of their Expences abovementioned.² [*Passed * January 22.*]

CHAPTER 232.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF BRISTOL, AND ALLOWING £1. 16 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxlii.,
170.

Executive
Records of the
Council, xiv.,
153. House
Journal, p. 137.
Ante, p. 422,
chap. 152.

THE COMMITTEE Appointed to farm out the Excise on Coffee, Tea, and China ware in the County of Bristol for one year ending the first day of November 1760 Reported That they had sold the same to Cap^t Thomas Cobb for Twelve pounds: and presented an Account of the Charge attending said Sale amounting to One pound sixteen shillings

Read and Accepted. And

Ordered That the sum of One pound sixteen shillings be allowed and paid out of the Publick Treasury to the Committee in consideration of their Expences in the Service above mentioned.³ [*Passed * January 22.*]

¹ This order appears from the records as having been non-concurred in by the Council, but the allowance to the Committee is authorized in a warrant for £1. 7. 0 advised to be drawn on the Treasurer January 22, 1760. — Executive Records of the Council, xiv., 153.

² This order appears from the records as having been non-concurred in by the Council, but the allowance to the Committee of £1. 13 is included in a Warrant for £3. 9. 0 advised to be drawn on the Treasurer January 22, 1760. — Executive Records of the Council, xiv., 153.

³ This order appears from the records as having been non-concurred in by the Council, but the allowance to the Committee of £1. 16 is included in a warrant for £3. 9. 0 advised to be drawn on the Treasurer January 22, 1760. — Executive Records of the Council, xiv., 153.

CHAPTER 233.

ORDER IMPOWERING THOMAS PINNELL TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Thomas Pinnell of Falmouth in the County of York; setting forth, That at the Inferiour Court held at York in and for said County on the first Tuesday of April last, Samuel Small jun^r of Scarborough in said County recovered upon an Action of Ejectment brought against him for his Dwelling house and about Sixty Acres of Land in said Falmouth, Possession of the Premises Sued for and Costs; That the Petitioner immediately Appealed to the Superiour Court then to be held at York aforesaid on the third Tuesday of June following; That at the abovementioned April Court the late Brigadier Waldo who was interested in the premises demanded by the said Small took upon him the further defence of the Action and to prosecute the Appeal, whereupon the Petitioner took no further care about it; But so it hapned that just before the Sitting of the Superiour Court, said Brigadier Waldo died, and no Administration having been then granted and no person that could Act in the Case appearing the Petitioner was Nonsuited, and Judgment rendered against him for the said Small to recover Possession of the premises Sued for and Costs, and Execution has issued accordingly; And praying that he may have liberty to prosecute his Appeal at the next Superiour Court to be held for said County in June next, and that the Judgment of said Court at their last term, and the proceedings consequent thereon may be vacated.

Read and Accepted. And

Ordered That the Petitioner Thomas Pinnell have liberty to bring a Writ of Review of the Action mentioned at the next Superior Court of Judicature &c to be held at York in the County of York on the third Tuesday of June next, and that the Judges of said Court are hereby empowered to hear and try the Case upon the merits and enter up Judgment and award Execution thereon, the nonsuit and former Judgment in the case notwithstanding. [*Passed January 23.*]

Legislative
Records of the
Council, xxiii.,
89, 168.

House Jour-
nal, pp. 96, 97,
171, 182, 187, 188.

CHAPTER 234.

RESOLVE ACCEPTING FORM OF A POWER OF ATTORNEY FOR SEAMEN WHO SERVED ON THE SHIPS OF HIS MAJESTY IN THE RIVER ST. LAWRENCE, ETC.

THE COMMITTEE appointed to prepare a Form ¹ of a Power of Attorney for the Seamen to Sign who served on board his majestys Ships in the River S^t Lawrence having Reported the within Draft.

Legislative
Records of the
Council, xxiii.,
170, 171.

¹ "The form of the Power is as follows viz^t

We the Subscribers whose Names and Seals are hereto affixed were employed as Seamen on board his Majestys Ships of War in the Reduction of Quebeck whereby Wages are due to us Now Know all Men by these presents that we the said do hereby Constitute Harrison Gray Esq^r of Boston, Treasurer and Receiver General of said Province our Attorney to Appear for us jointly and Severally at the Navy Board or Office and in our room and stead to ask and receive the same, and do hereby give him the same Power to aske for and receive the Wages due to us and each of us for the Service aforesaid and give discharges for the Receipt thereof as if we were personally present to demand the same for Ourselves cum facultate substituendi hereby reserving to Our selves and each of us a Power of revoking this Instrument." — Legislative Records of the Council, xxiii., 171.

Legislative
Records of the
Council, xxiii.,
166. House
Journal,
pp. 168, 185.

Resolved That the same be accepted, and that the Treasurer Govern himself accordingly¹ And that the Power of Attorney be the same for Executors and Administrators mutatis mutandis. [*Passed January 23.*]

CHAPTER 235.

ORDER REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF THOMAS WALKER IN BANKRUPTCY AND EXEMPTING HIM FROM ARREST AND ATTACHMENT.

Legislative
Records of the
Council, xxiii.,
172.

Legislative
Records of the
Council, xxiii.,
130, 142.
House Jour-
nal, p. 186.
Province
Laws, iv., 445,
note. *Ante*,
p. 451, chap.
223.

A PETITION of Thomas Walker of Boston, a Person declared Bankrupt Setting forth That he hath surrendered himself to Commissioners by Law appointed and made a full discovery, upon Oath, to them, of the whole of his Estate Effects and Credits, and in all things as far as in him lay conformed himself to the directions of the Law. But before he could obtain a Certificate from the Commissioners his majestys disallowance of the Act was received, whereby he is brought into great difficulties; And Praying Relief. Which Petition having been committed to the Committee upon the Petition of John Phillips, who reported in favour of said Petition.

[Read &]

Ordered That the consideration of this Petition be referred to the second Wednesday of the next Session, and that in the mean time the Petitioner and his Estate in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared a Bankrupt. And all proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Assignees be likewise stayed. [*Passed January 23.*]

CHAPTER 236.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
172.

Mass.
Archives,
lxxviii., 439,
483, 513, 724, 726,
744. House
Journal, p. 184.

Voted That the sum of Two pounds twelve shillings be paid out of the Publick Treasury to Cap^t Thomas Pratt for the use of Margaret Floy'd in full. And the sum of Four pounds ten shillings and two pence to the said Pratt for the use of Amos Shute in full. To Cap^t Sprout the sum of two pounds eight shillings and four pence for the use of Samuel Tinkham in full. To Joseph Sawyer Esq^r the sum of One pound eighteen shillings and eight pence for the use of Samuel Mathews in full. And the sum of Two pounds seven shillings and seven pence for the use of James Burnham in full. And the sum of Three pounds six shillings for the use of Joseph Williams in full. And the sum of Forty shillings for the use of Abel Gatchell in full. [*Passed January 23.*]

¹ The words after "accordingly" are not found in the House Journal.

CHAPTER 237.

ORDER ALLOWING £8 TO ELIPH^r HASTINGS.

A PETITION of Eliphalet Hastings of Waltham Setting forth That in the Year 1757 being a Soldier in the pay of this Province, he was taken Prisoner by the Indians near Fort William Henry by whom he was sold to the French and carried to Quebeck from whence he was sent to France where he remained till October 1758 when he was sent to England; and did not return home till May 1759 That he Suffered great hardships during his Captivity And Praying an Allowance.

Legislative
Records of the
Council, xxiii.,
173. Mass.
Archives,
lxxviii., 717.
Mass.
Archives,
lxxviii., 716.
House Jour-
nal, pp. 170, 183.

Read and

Ordered that the sum of eight pounds be allowed and paid out of the Treasury to the Pet^r in full consideration for his Services and Sufferings abovementioned. [*Passed January 23.*]

CHAPTER 238.

VOTE IMPOWERING MABEL BANCRAFT, ADM^x., TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mabel Bancraft of Springfield Widow and Administratrix of the Estate of John Bancraft deceased Setting forth That the said deceaseds Personal Estate is not Sufficient to pay his debts, and that it is more over chargeable with the payment of sundry Legacies to the Amount of Sixty five pounds six shillings and eight pence after the Death of the mother of the said deceased: and that it will take the greater part of his Real Estate to discharge said debts and Legacies. And Praying that she may be impowered to sell the whole of said Real Estate, as it must be greatly to the Damage of the Estate to sell off a part only.

Legislative
Records of the
Council, xxiii.,
174.
House Jour-
nal, pp. 181, 185.
Province
Laws, ii., 151,
chap. 10.

[Read &]

Voted That the Prayer of this Petition be so far granted as that the Petitioner in her Capacity be impowered to make Sale of the Real Estate therein mentioned for the most the same will fetch and to make and execute a good and Sufficient Deed or Deeds in the Law for conveyance thereof. She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators: and that the Produce of two thirds of said Sale be applied for the payment of the deceaseds debts and to discharge the Legacies due to his Brethren and Sisters at the death of his aged mother; the other third the said Administratrix to have the income of during her natural life in lieu of her Right of Dower, and at her death the same be disposed of according to Law. And that sufficient caution be given to the Judge of Probates for the County of Hampshire accordingly. [*Passed January 23.*]

CHAPTER 239.

Legislative
Records of the
Council, xxiii.,
156. Mass.
Archives, lxxviii., 756.

Mass.
Archives, lxxviii., 755,
768; cxxv., 149.
Executive
Records of the
Council, xiv.,
157. House
Journal, pp. 356, 387,
393 (March,
1756); p. 417
(April, 1758);
pp. 156, 170.

ORDER ALLOWING £17.1 TO SAMUEL BROWN; £7.12 TO ELIJAH WILLIAMS; £4.17 TO JOSEPH DWIGHT AND £5.10 TO JOSIAH JONES.

A MEMORIAL of Samuel Brown of Stockbridge Praying an allowance of Sundry expenses for building a Fort at Stockbridge in the Year 1755.

Read and

Ordered that the Sum of £17.1 be allowed to Samuel Brown and the sum of £07.12 to Elijah Williams and the Sum of £4.17 to Joseph Dwight. And the Sum of £5.10 to Josiah Jones in full consideration for their Services in building the Fort at Stockbridge as mentioned. The aforesaid Sums to be paid out of the Treasury to the Persons abovenamed. [*Passed* January 24.*¹

CHAPTER 240.

VOTE ALLOWING TWO PER CENT ADDITIONAL TO DANIEL CLARK, COLLECTOR OF EXCISE IN YORK COUNTY.

Legislative
Records of the
Council, xxiii.,
175. Mass.
Archives, cxx.,
309.

Mass.
Archives, cxx.,
308. House
Journal, pp. 180, 186, 187.
Province
Laws, iv., 239,
note.

A PETITION of Daniel Clark Collector of the Excise upon Spirits &c for the County of York Setting forth That as the County is of large Extent he is at great trouble and expence in collecting the Duties of Excise, And Praying a further Allowance.

Read and Inasmuch as the County of York is of so large an extent as renders it very inconvenient to the Pet^r to Collect the Excise at three per Cent. Therefore

Voted that the Pet^r be allowed two per Cent in addition to the said three per Cent making in the whole five per Cent from March 25th 1759. to March 25th 1760. [*Passed January 24.*

CHAPTER 241.

ORDER ALLOWING £3.11 TO DAVID CURRIER.

Legislative
Records of the
Council, xxiii.,
175. Mass.
Archives, lxxviii., 498.

House Journal, pp. 146, 187.

A PETITION of David Currier of Methuen Setting forth he was a Soldier in the Pay of the Province in 1758, and was wounded in the Action near Ticonderoga, and by reason of his wounds and Sickness afterwards was prevented returning home till the 14th of November, but that he is made up in the Muster Roll to some time in September only. And Praying Relief.

Read and

Ordered that the Sum of three pounds eleven Shillings be allowed and paid out of the publick Treasury to Sam^l Phillips Esq^r for the Use of the Pet^r in full consideration for the Services and expences within mention'd. [*Passed January 24.*

¹ This date is that given in Mass. Archives, lxxviii., 770, at which time a warrant for the payment of the above sums was advised.

CHAPTER 242.

ORDER IMPOWERING SETH & MARTHA KNOWLES, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Seth Knowles and Martha Knowles of Middletown in the Colony of Connecticut, Guardians to Mary Knowles, Elisabeth Knowles, Rachel Knowles, and Mercy Knowles Daughters of Seth Knowles late of Middletown in the Colony aforesaid deceased. Praying liberty to sell the one half of a peice of land lying in Eastham in the County of Barnstable containing about Thirty Acres which was Devised to them by their Grand father M^r John Knowles of said Eastham, as the keeping of said Land can be but of Little Service to them at so great a distance from them.

Legislative
Records of the
Council, xxiii.,
175.

House Jour-
nal, pp. 176, 188.

Read and

Ordered That the Prayer of this petition be so far granted as that the Petitioners in their capacity within mentioned be empowered to make sale of the one half of the thirty Acres of Land mentioned for the most the same will fetch and to make and execute a good Deed or Deeds in the Law for the same They giving sufficient caution to the Judge of Probate in the County of Barnstable that the Proceeds arising by said Sale be applied to the use of the minors within named. [*Passed January 24.*]

CHAPTER 243.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Voted That the sum of Three pounds one shilling and ten pence be allowed and paid out of the Publick Treasury to Cap^t Enoch Kidder for the use of Jessee French in full, And the sum of Two pounds one shilling and ten pence to the said Kidder for the use of David Baldwin jun^r in full. To Cap^t Prescott the sum of Two pounds twelve shillings and ten pence for the use of Abijah Procter in full To Col^o Lawrence the sum of Two pounds one shilling for the use of John Woods in full. To M^r Ellis the sum of two pounds eleven shillings and nine pence for the use of David Fisher in full. To Cap^t Davis the sum of Two pounds thirteen shillings and ten pence for the use of John Thompson in full. To M^r Furbush the sum of One pound three shillings and three pence for the use of Patience Woods in full. To Cap^t Hubbell the sum of Four pounds for the use of Seth Cowell in full. And the sum of Two pounds one shilling and eight pence to the said Hubbell for the use of William Spencer in full. To Cap^t Davis the sum of Seven pounds and one penny for the use of Timothy Foster in full. [*Passed January 24.*]

Legislative
Records of the
Council, xxiii.,
176.

Mass.
Archives,
lxxviii., 413,
478, 507, 531, 581,
665, 672, 709, 720,
721, 740. House
Journal, p. 187.

CHAPTER 244.

Legislative
Records of the
Council, xxiii.,
178.

VOTE FOR THE TRANSFER OF £20 FROM THE APPROPRIATION FOR
FORTS AND GARRISONS TO THE APPROPRIATION WHERE THERE IS
NO ESTABLISHMENT.

House Jour-
nal, p. 192.
Province
Laws, iv., 269,
chap. 8.

Voted That there be a Transfer from the Appropriation for Forts
and Garrisons to the Appropriation where there is no Establishment
the sum of Twenty pounds. [*Passed January 25.*]

CHAPTER 245.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE FORCES IN PAY OF
THE PROVINCE.

Legislative
Records of the
Council, xxiii.,
178. Mass.
Archives, cix.,
610.

THE REPORT of a Committee appointed to take under considera-
tion those parts of his Excellencys Speech at the Opening of the
Session which were directed to both Houses.

Mass.
Archives, cix.,
608. Legisla-
tive Records of
the Council,
xxiii., 125, 127.
House Jour-
nal, pp. 190–192.
Province
Laws, iv., 348,
note.

The Committee have proceeded so far as to consider the several
matters recommended by his Excellency relative to the Forces in
the Pay of this Province and now in Service at Louisbourg and
Nova Scotia and also to the making Provision for raising Forces
for the ensuing year.

With respect to the Forces at Louisbourg and Nova Scotia the
Committee are humbly of Opinion That a Bounty or Reward of
Four pounds be given to each of the Private men and one months
pay to each Officer who remained in Garrison after the first day of
November last and still continue there over and above their estab-
lished Wages, and that the Wages of all such Officers and Soldiers
be continued according to the present establishment unto the first
day of May next, or until the time of their discharge in case they
shall be discharged before the said first day of May.

That the continuance of such Establishment be so understood
as in no measure to remove or lessen the desire and expectation of
the two Houses, that the General of his Majestys Forces in North
America do cause the Forces now in the Pay of this Province to
be discharged and returned as soon as the season of the Year will
allow.

With respect to the Provision for raising Men for the ensuing
Year the Committee are of Opinion That a Bounty of nine pounds
be given to each Private Soldier and Non commission Officer now
in Service at Louisbourg and the Several Posts and Forts in Nova
Scotia who shall inlist anew for his Majestys General Service the
ensuing Year, the Bounty to be paid in manner following viz Five
Dollars at the time of their inlisting, five Dollars more with a Pro-
vince Security of six pounds at their passing muster, which muster
shall be as soon after their inlistment as it can be conveniently done:
this to be considered as over and above the Four pounds Reward
given as aforesaid.

That over and above the number of Men who may thus inlist at
Louisbourg and Nova Scotia a bounty of Nine pounds be also given
and paid in the same manner and at the same time as to those who
shall inlist at either of the above said places to Five thousand men

including Officers who shall inlist for said Service at any time before the Fifteenth day of March next; such Officers to be Inhabitants of this Province, the Privates and non commission Officers only of said five Thousand men to be intitled to this Bounty

That the Establishment for one Captain two Lientenants, and one Ensign be the same as it was the last Year, each Company consisting of an hundred men including Officers that their wages shall begin from the date of their inlisting Orders, and that for every effective man whom they shall inlist they be allowed and paid three shillings, but they are to be accountable for the money they shall pay to any noneffective man who was so at the time of his inlistment.

And as to the wages of the men the Committee are of Opinion that they be the same they were the last year, and that they enter into pay at the time of their passing muster.

That to each man there be given when he shall begin his march a Blanket and such other Articles as were given the last year, saving only that such Blanket and other Articles shall be given to the men who shall inlist at Louisbourg and nova Scotia at the time when the other men in Service at the Several Posts there shall be respectively relieved.

That the men shall not be held to continue in Service beyond the last day of November next, and shall be discharged as much sooner as the Service will Admit.

With respect to the matters recommended by his Excellency and which relate to Penobscot the Committee desire leave to sit again All which is Submitted in the name of the Committee.

T HUTCHINSON

Read and Accepted. [*Passed January 25.*]

CHAPTER 246.

ORDER ADJOURNING THE COURTS OF WORCESTER COUNTY.

WHEREAS the Inferior Court of Common Pleas and Court of General Sessions of the Peace is by Law to be held at Worcester in and for the County of Worcester on the first Tuesday of February next. And Whereas divers Justices of said Courts are Members of the Great and General Court now sitting, and the important Affairs of the Province require their Attendance. Legislative
Records of the
Council, xxiii.,
182.
House Jour-
nal, p. 197.
Province
Laws, lit., 64,
chap. 32.

Wherefore

Ordered That the said Courts be, and they hereby are Adjourned to the second Tuesday of May next: and that all matters and things that might have day at said Courts on the first Tuesday of February aforesaid shall be heard and tried on the said second Tuesday of May next. And that all Officers and other persons concerned in said Court conform themselves accordingly. [*Passed January 26.*]

CHAPTER 247.

ORDER ALLOWING £3 TO BENJAMIN NASH.

Legislative
Records of the
Council, xxiii.,
183. Mass.
Archives,
lxxviii., 772.

Mass.
Archives,
lxxviii., 772.
House Jour-
nal, pp. 194, 195.
Ante, p. 247,
chap. 89.

A PETITION of Samuel Niles Esq^r in behalf of Benjamin Nash of Braintree, a Soldier in the pay of this Province in Cap^t Wards Company of Col^o Williams's Regiment in the Year 1758. Praying that the Stoppage made from his Wages on account of his Arms not being returned may be taken off, as the same were returned at Shenectada and certified to the Commissary General accordingly.

Read and

Ordered that the sum of three pounds be allowed and paid out of the publick Treasury to Samuel Niles Esq^r for the Use of the within named Benj^a Nash in full consideration for the Stoppage within mentioned. [*Passed January 26.*]

CHAPTER 248.

ORDER ON THE PETITION OF LIEUT. COL^o THWING IN REGARD TO HIS WAGES.

Legislative
Records of the
Council, xxiii.,
183. Mass.
Archives,
lxxviii., 766.

Mass.
Archives,
lxxviii., 765.
House Jour-
nal, pp. 194, 196.

A PETITION of Nathaniel Thwing Esq^r Lieutenant Colonel of a Regiment raised by this Government the last Year now at nova Scotia Praying that as he is going to join his Regiment he may receive the pay due to him to the first of November last.

Read and

Ordered that the prayer of the Petⁿ be granted and that the Pet^r be accountable for the sum He shall receive out of the publick Treasury, when the Musterroll shall be made up. [*Passed January 26.*]

CHAPTER 249.

ORDER ALLOWING £6 TO RAIN CURTIS.

Legislative
Records of the
Council, xxiii.,
183. Mass.
Archives,
lxxvi., 12.

Mass.
Archives,
lxxvi., 11.
House Jour-
nal, pp. 144, 196.

A PETITION of Rain Curtis of Marblehead Setting forth That being a Sailor aboard the Province Ship King George in the year 1758, he with divers others, was taken in the Boat belonging to the Province Sloop near mount Desart by the S^t Johns Indians and carried to Quebeck, and there kept in Prison till the Surrender of said Place to his Majestys Arms the last year And Praying an Allowance.

Read and

Ordered that the Sum of Six pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his Services and sufferings within mentioned. [*Passed January 26.*]

CHAPTER 250.

ORDER ALLOWING £80 TO LIEUT^R GOV^R HUTCHINSON.

Ordered That his Honour the Lieutenant Governor be allowed and paid out of the Publick Treasury the sum of Eighty pounds for his past extraordinary Services for this Government. [*Passed January 28.*]

Legislative
Records of the
Council, xxiii.,
184.

House Jour-
nal, pp. 174, 190,
196.

CHAPTER 251.

ORDER IMPOWERING ABIGAIL KNIGHT, ADM^{RS}, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abigail Knight of Scarborough in the County of York Administratrix of the Estate of her late Husband Westbrook Knight of said Scarborough yeoman deceased Setting forth That the deceaseds personal Estate is not Sufficient to pay his just debts by the sum of One hundred and twenty six pounds four shillings and six pence which sum is increasing by the Interest arising thereon. That it would greatly injure the Real Estate to sell off so much only as would be Sufficient to discharge said debts. And Praying that she may be empowered under proper Restrictions to make Sale of said Real Estate.

Legislative
Records of the
Council, xxiii.,
184.

House Jour-
nal, pp. 181, 198.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Prayer of this Petition be granted: and that the Petitioner be empowered in her capacity of Administratrix of the Estate of Westbrook Knight deceased to sell the whole of the Real Estate of the said deceased for the most the same will fetch, she observing the directi[o]ns of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of York to apply two thirds of the Proceeds of said Sale to the discharge of the deceaseds just debts, and to distribute the Overplus (if any there be) amongst the heirs of the said deceased: and Also to give sufficient caution to the Judge of Probate for the other third so that the same may be distributed among the heirs of the said deceased at the death of the said Abigail Knight the Widow of the said Westbrook Knight. [*Passed January 28.*]

CHAPTER 252.

VOTE FOR A TRANSFER OF £500 FROM THE APPROPRIATION FOR FORTS AND GARRISONS TO THE APPROPRIATION WHERE THERE IS NO ESTABLISHMENT.

Legislative
Records of the
Council, xxiii.,
185.

Voted That there be a Transfer from the Appropriation for Forts and Garrisons to the Appropriation where there is no Establishment the sum of Five hundred pounds. [*Passed January 29.*]

House Jour-
nal, p. 202.
Province
Laws, iv., 269,
chap. 8.

CHAPTER 253.

RESOLVE ALLOWING £9.6.8 TO D^R WARD NOYES.

Legislative
Records of the
Council, xxiii.,
186.

Mass.
Archives,
lxxviii., 64.
Legislative
Records of the
Council, xxii.,
610. Executive
Records of the
Council, xiv.,
74. House
Journal,
pp. 261, 326
(April, 1759).

IN THE HOUSE OF REPRESENTATIVES Whereas an Order passed this House on the 12th of April last upon the Petition of Doct^r Ward Noyes of Andover viz^t “that there be paid out of the Publick Treasury to the Petitioner Nine pounds six shillings and eight pence due to him for Wages from February 12th 1757 to the 5th of April following” Which Order by some Accident (as is supposed) did not then pass the whole Court,

Resolved That the said Order be revived, and that the said sum of Nine pounds six shillings and eight pence be paid out of the Publick Treasury to the Petitioner accordingly, the said sum to be paid to Samuel Phillips Esq^r for the purpose above written.

In Council Read and Concurred. [*Passed January 30.*]

CHAPTER 254.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
187.

Mass.
Archives,
lxxviii., 422,
562, 583, 637, 647,
733, 734, 746, 747.
House Jour-
nal, pp. 199, 206.

Ordered That the sum of Three pounds six shillings be allowed and paid out of the Publick Treasury to Oliver Fletcher Esq^r for the use of the Petitioner Eldad Worcester in full consideration of his Service and Sufferings mentioned. To Cap^t King the sum of Two pounds thirteen shillings and eleven pence for the use of the Petitioner Benajah Stockwell in full. To Ann Thompson the sum of Three pounds six shillings and six pence in full for the Services and Sufferings of her late Husband George Thompson deceased. To Cap^t Milliken the sum of One pound four shillings and six pence for the use of the Petitioner James Greenough in full. And the sum of One pound eighteen shillings and eight pence to the said milliken for the use of the Petitioner Thomas Stickney in full. To Cap^t Sprout the sum of Two pounds eleven shillings for the use of the Petitioner Nathan Richmond in full. To M^r Billing the sum of Three pounds nineteen shillings for the use of the Petitioner Eleazer Patterson in full. To Cap^t Walker the sum of Two pounds two shillings and eight pence for the use of Moses Pike in full And the sum of Six pounds for the use of Ephraim Walker in full.¹ [*Passed January 30.*]

CHAPTER 255.

ORDER IMPOWERING BENJ^A FLAGG, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
187.

A PETITION of Benjamin Flagg of Wobourn Administrator of the Estate of Gershom Flagg Jun^r late of said Wobourne deceased Setting forth That the said deceaseds personal Estate is not sufficient

¹ The House Journal, January 28, 1760, p. 199, adds, David Sears, £4. 11. 8, to the above list.

to pay his just debts. That the two thirds of said Estate which is set off to pay the debts and to be distributed to and among the heirs consists of one half of a Dwelling House, Barn and Tan Yard, and the one half of sundry pieces of Land And Praying liberty to sell the same.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner in his capacity of Administrator be, and he hereby is impowered, to make sale of the two third parts of the Real Estate of Gershom Flagg late of Wobourn deceased, as within mentioned he observing the Rules of the Law for the sale of Estates by Executors & Administrators, and giving sufficient caution to the Judge of Probate for the County of middlesex for the application of the money arising by said Sale to the payment of the deceaseds just debts, and to Account for the Overplus if any there be to the heirs of the said deceased. [*Passed January 30.*]

House Journal, p. 212.
Province Laws, ii., 151, chap. 10.

CHAPTER 256.

ORDER ALLOWING £1. 9. 4 TO MARG^T FELCH.

A PETITION of Margaret Felch of Reading Praying an Allowance of sundry expences incurred on Account of the Sickness of her son Joseph Felch an inlisted Soldier in the pay of this Province in the year 1758, and of the charge she was at in bringing him home.

Read and

Ordered that the sum of One pound Nine Shillings and four pence be paid out of the Treasury to M^r Temple for the Use of the Pet^r in full. [*Passed January 30.*]

Legislative Records of the Council, xxiii., 188. Mass. Archives, lxxviii., 691.

Mass. Archives, lxxviii., 691.
House Journal, p. 207.

CHAPTER 257.

ORDER ALLOWING £6 TO NATHAN PHELPS.

A PETITION of Nathan Phelps of Reading Setting forth That he hath been for three Years successively a Soldier in his Majestys Service, that the last year being of a Scouting Party Commanded by Major Rogers, he received a Wound by a ball which lodged in his Arm and shattered the Joint of his Elbow whereby he was reduced so as to be unable to take care of his Cloaths and Arms, and had them stolen from him, that continuing ill, his Brother made a Journey to bring him home, and that he has not yet recovered the use of his Arm. And Praying an Allowance

Read and

Ordered that the sum of six pounds be paid out of the Treasury to M^r John Temple for the Use of the Pet^r in full. [*Passed January 30.*]

Legislative Records of the Council, xxiii., 188. Mass. Archives, lxxviii., 146.

Mass. Archives, lxxviii., 145.
House Journal, p. 207.

CHAPTER 258.

ORDER ALLOWING £3. 6. 8 TO SAM^L TRIPP.

Legislative
Records of the
Council, xxiii.,
188. Mass.
Archives,
lxxviii., 406.

Mass.
Archives,
lxxviii., 406.
House Jour-
nal, p. 206.

A PETITION of Samuel Tripp of Dartmouth. Setting forth That being an inlisted Soldier the last year in the pay of this Province he was taken sick and being unable to travell, he took passage by water at Albany for which he paid four Dollars, and after his return continued sick most part of the Winter. And Praying an Allowance of the Expences incurred on account of his said Sickness.

Read and

Ordered that the sum of three pounds six Shillings and eight pence be paid out of the Treasury to M^r Aken for the Use of the Pet^r in full. [*Passed January 30.*]

CHAPTER 259.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF W^M SPENCER TO ENTER AN APPEAL.

Legislative
Records of the
Council, xxiii.,
189.

House Jour-
nal, pp. 206, 207.

A PETITION of William Spencer of Sheffield. Setting forth That David Ingersol of said Sheffield commenced an Action against him to be tried at the Inferior Court of Common Pleas held at Springfield for the County of Hampshire in May 1758 upon which the Petitioner appealed to the Superior Court, and brought another Action, against the said David to be tried in August Term, in which Action the said David appealed. It was afterwards Agreed that both suits should be left to a Reference whereupon the Petitioner did not enter his Appeal, and thereby lost the benefit of the Law. And Praying Relief.

Read and

Ordered That the Petitioner serve the Adverse Party David Ingersole or his Attorney with a Copy of this petition that he shew cause (if any he hath) on the first Tuesday of the next Session of this Court why the Prayer thereof should not be granted. And Execution is stayed in the mean time Provided the Petitioner give sufficient caution to the Sherrieff of the County of Hampshire to pay the sum that shall finally be adjudged due with Interest from the issuing out the Execution. [*Passed January 30.*]

CHAPTER 260.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £3 TO SAR^A KILPATRICK.

Legislative
Records of the
Council, xxiii.,
189. Mass.
Archives,
lxxviii., 775.

Mass.
Archives,
lxxviii., 775.
House Jour-
nal, pp. 195, 205.

A PETITION of Sarah Kilpatrick¹ Widow of James Kilpatrick a Soldier in Cap^t Littlefields Company the last Year, who died in the Service, by means whereof his Gun was lost. And Praying an Allowance.

Read and

Ordered that the Treasurer be directed to pay to Joseph Sayer Esq^r three pounds for the Use of the Pet^r in full. [*Passed January 30.*]

¹ Both the House Journal and Mass. Archives read, "Gillpatrick."

CHAPTER 261.

ORDER ALLOWING £8 TO JON^A BAILEY.

A PETITION of Jonathan Bailey of Rowley Setting forth That being a Soldier in the pay of the Province in the Year 1757 he was taken Prisoner at the Surrender of Fort William Henry, and continued in Captivity until November 1759. suffering great hardships therein And Praying Relief.

Read and

Ordered that the sum of Eight pounds be allowed and paid out of the publick Treasury to M^r Lancaster for the Use of the Pet^r in full. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
190. Mass.
Archives,
lxxviii., 718.

House Jour-
nal, pp. 185, 205.

CHAPTER 262.

ORDER ALLOWING £2.10 TO RICHARD KIMBALL.

A PETITION of Joseph Sayer Esq^r in behalf of Richard Kimball of Wells Setting forth That the said Richard being a Soldier in the pay of the Province in the Year 1757. was after the Surrender of Fort William Henry stript and deprived of his Gun, for which there is two pounds stopt out of his Wages And Praying Relief.

Read and

Ordered that the sum of two pounds ten Shillings be allowed and paid out of the publick Treasury to Joseph Sayer Esq^r for the Use of the Pet^r in full for the Stoppage within mentioned. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
190. Mass.
Archives,
lxxviii., 719.

Mass.
Archives,
lxxviii., 719.
House Jour-
nal, pp. 204, 205.
Ante, p. 89,
chap. 199.

CHAPTER 263.

ORDER IMPOWERING PHEBE BARRET, ADM^{RS}, TO SELL REAL ESTATE.

A PETITION of Phebe Barrett Administratrix of the Estate of her late husband Joseph Barrett late of Malden in the County of Middlesex Yeoman deceased Intestate. Setting forth That the said deceaseds Personal Estate is insufficient to pay his debts. That he was under bonds to pay to his mother the value of ten pounds thirteen shillings and four pence annually during life, which sum is double the Amount of the whole Rent of the Real Estate exclusive of her Dower And Praying she may be impowered to sell such part of the deceaseds Real Estate as lies remote from the Homestead for the purposes aforesaid under proper Restrictions agreeable to the Schedule annexed viz^t

Legislative
Records of the
Council, xxiii.,
190.

House Jour-
nal, pp. 176, 204.
Province
Laws, li., 151,
chap. 10.

A Wood Lot called by the name of Wilsons Wood Lot . . .	5 Acres
a Wood Lot called Dexters Wood Lot . . .	11 Acres
A lot lying in the Six hundred Acres called . . .	2 Acres
A Pasture Called the meadow Pasture . . .	19 Acres
A Pasture Called the Long Pasture . . .	4 Acres
A Meadow Called Town Meadow . . .	5 Acres
A peice of Marsh lying in Chelsea . . .	4 Acres

Read and

Ordered That the Prayer of this Petition be so far granted as that the Petitioner in her Capacity be impowered to make Sale of the several parcells of land within mentioned for the most the same will fetch and to execute a good Deed or Deeds in the Law for the same she observing the directions of the Law for the Sale of Real Estates, and giving sufficient caution to the Judge of Probate for the County of Middlesex to account for the Proceeds of said Sale. [*Passed January 30.*]

CHAPTER 264.

ORDER IMPOWERING CAPTAINS WHO SERVED UNDER BRIG^d GENERAL RUGGLES AND COL^o ABIJAH WILLARD TO DEDUCT THEIR ADVANCES TO MEN FROM THEIR WAGES.

Legislative
Records of the
Council, xxiii.,
191. Mass.
Archives,
lxxviii., 712.

House Jour-
nal, pp. 197, 198,
202, 203.

A PETITION of Cap^t Samuel Robinson and others Captains of Companies in the Regiment whereof Brigadier General Ruggles was Colonel in the late Expedition Setting forth That they were under a necessity of Advancing to the Men under their Command sundry Stores and sums of money And that they stand chargeable for all the Arms delivered to the Men in their respective Companies: that they have accordingly drawn their Muster Rolls with Columns for their Advancements aforesaid, and for deficient Arms, to which they find there have been some Objections made: And Praying that the Muster Rolls may be allowed to stand with said Columns therein, as they must otherwise unavoidably be great Sufferers

[Read &]

Ordered that the several Captains or Commanding Officers of Companies who were in the service the last Champain¹ in the Battalions Commanded by Brigadier Ruggles & the Regiment Commanded by Col^o Abijah Willard be Allowed to Stop on their Rolls the several Sums they have Advanced for their Men where it shall Appear the men have given Order therefor Under their hands Saving where it may happen any have taken up more than their whole wages. then what they have received of the province Comissary shall be first deducted and of all minors & servants one half only of their wages may be Stopped as aforesaid and that such sums as may be due to the province from them first secured and further that the S^d Captains be Allowed to stop on their rolls (without Orders or receipts Under their mens hands) the several sums paid for Baking their Bread & repairing their Arms and Also the price of the Arms of such men who have not duly returned the same And that the Order be duly Conformed to in passing the Several rolls of S^d Captains. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
195.

House Jour-
nal, p. 209.
Province
Laws, iv., 269,
chap. 8.

CHAPTER 265.

VOTE FOR THE TRANSFER OF APPROPRIATIONS.

Voted That there be a transfer of One hundred pounds from the Appropriation for Forts and Garrisons to the Appropriation for the Alarm in 1757. [*Passed January 30.*]

¹ Sic.

CHAPTER 266.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY SEAMANS WAGES TO PERSONS HOLDING POWERS OF ATTORNEY THEREFOR.

WHEREAS several of the Seamen inlisted for the late Expedition in the Pay of this Province and who Served on board his Majestys Ships of War and who are now absent, have left Powers of Attorney or Orders to receive their Wages.

Ordered That the Treasurer be directed to pay the Wages due to such Seamen, to their Attorneys or Assignees upon the delivery and Assignment of such Powers or Orders respectively to him the said Treasurer and giving him proper Security for the repayment of so much money as the Government shall by any Act of the said Seamen be prevented from receiving on Account of Wages due to them from the Crown.

And Whereas several of the Seamen inlisted for the late Expedition in the pay of this Province and who served on board his Majestys Ships of War were Servants and are since dead.

Ordered That the Treasurer be directed to pay the Wages due to such Seamen, to their respective masters or mistresses upon their lodging the Indenture of such Servants with the Treasurer and giving him Receipts for the sums they respectively receive expressing the particular circumstances of each Case, any thing in the Order of this Court directing in what manner such Seamen should be paid Notwithstanding. [*Passed January 31.*]

Legislative
Records of the
Council, xxiii.,
197.

House Jour-
nal, pp. 204, 212.
Ante, p. 455,
chap. 234.

CHAPTER 267.

ORDER ALLOWING £10 TO JON^A WITTUM.

A PETITION of Jonathan Wittum of Kittery Setting forth that he served as a Soldier in the Pay of this Province under Cap^t Indicott of Col^o Fries Regiment in 1757. That he was in the Capitulation of Fort William Henry and was stript of all his Cloths Gun &c, and is yet omitted in the Muster Roll And Praying Relief.

Read and

Ordered that the sum of ten pounds be paid out of the publick Treasury to Cap^t Bradbury for the Use of the Pet^r in full for his Services Wages &c within mentioned. [*Passed January 31.*]

Legislative
Records of the
Council, xxiii.,
198. Mass.
Archives,
lxxviii., 577.

Mass.
Archives,
lxxviii., 577.
House Jour-
nal, p. 213.

CHAPTER 268.

ORDER ALLOWING £3 TO OSTON BARCE.

A PETITION of Oston Barce of Halifax Setting forth That his Apprentice Gideon Saul was a Soldier in the Pay of the Province last year in Cap^t Andros's Company of Col^o Dotys Regiment, and that there was a Stoppage from his Wages of Three pounds for his Guns not being returned, which Gun was returned to the Commissary at Albany. And Praying Relief.

Legislative
Records of the
Council, xxiii.,
199. Mass.
Archives,
lxxviii., 486.

Mass.
Archives,
lxxviii., 486.

House Jour-
nal, pp. 201, 213.
Ante, p. 247,
chap. 89.

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to the Pet^r in consideration of the Stoppage of his Servant's Gun within mentioned. [*Passed January 31.*]

CHAPTER 269.

ORDER ALLOWING £8 TO NATH^l MOULTON.

Legislative
Records of the
Council, xxiii.,
199. Mass.
Archives,
lxxviii., 778.

A PETITION of Nathaniel Moulton of Ipswich Setting forth That being a Soldier in the Pay of the Province in 1758, he was taken Prisoner and carried to Quebeck from whence he was sent to Europe, and in May last returned home by way of New York, and praying an allowance.

Mass.
Archives,
lxxviii., 778.
House Jour-
nal, pp. 207, 214.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to Maj^r Epes for the Use of the Pet^r in full consideration for his Sufferings Loss of time &c. [*Passed January 31.*]

CHAPTER 270.

ORDER ALLOWING £8 TO CALEB KIMBALL.

Legislative
Records of the
Council, xxiii.,
199. Mass.
Archives,
lxxviii., 779.

A PETITION of Caleb Kimbal of Ipswich Setting forth That being a Soldier in the Pay of the Province in 1758 he was taken Prisoner and carried to Quebeck from whence he was sent to Europe, and in May last returned home by way of New York; and Praying an allowance.

Mass.
Archives,
lxxviii., 779.
House Jour-
nal, pp. 207, 214.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the Publick Treasury to Maj^r Epes for the Use of the Pet^r in full consideration for his Sufferings, Loss of time &c. [*Passed January 31.*]

CHAPTER 271.

VOTE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

Legislative
Records of the
Council, xxiii.,
202.

In the House of Representatives

Legislative
Records of the
Council, xxiii.,
204. House
Journal, p. 219.

Voted That no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present Year shall be esteemed duly qualified to enter upon the Execution of that Office until he shall first have an Oath Administred to him for his faithfull performance of his said Office, and shall give bond with sufficient Sureties to a Committee appointed by this Court for that purpose in the sum of Thirty Thousand pounds lawfull money to the three Eldest Councillors in the Province for the time being, who are hereby Appointed a Committee in behalf of this Province and especially authorized for this purpose which bond shall

be conditioned for such Treasurers truly and faithfully discharging the duty of his Office according to Law and for his rendring an Account when and so often as he shall be required by the General Court of all such sums of money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said Office or to any other person that may be appointed by the General Court to receive the same all such sum or sums of money as upon such Settlement of his said Accounts or otherwise shall be found due and payable from him to the Province: Provided that the said Bond be put in Suit within two Years next after the date thereof; otherwise to be void and of no Effect And that Royall Tyler and Thomas Flucker Esq^{rs} with such as the honourable Board shall join, be a Committee to judge of the sufficiency of such as may Offer to become Sureties for the Treasurer as aforesaid.

In Council Read and Concurred; and James Bowdoin Esq^r is joined in the Affair. [*Passed February 1.*]

CHAPTER 272.

ORDER ALLOWING £28. 17. 4 TO WM BOTHAW.

A PETITION of William Bothaw Setting forth That on the 25th day of September 1758 he took charge of the late Province Snow Prince of Wales then lying in Louisbourg Harbour, in which Service he continued until the 15th of December following And Praying an Allowance for his Service and Disbursments

Legislative
Records of the
Council, xxiii.,
204.

House Jour-
nal, p. 218.

Read and

Ordered That the sum of twenty eight pounds seventeen shillings and four pence be allowed and paid out of the Publick Treasury to the Petitioner in full for his Wages and Disbursments upon the Province Snow Prince of Wales within mentioned. [*Passed February 1.*]

CHAPTER 273.

RESOLVE REMITTING FINES FOR BREACH OF EXCISE ACT.

THE PETITIONS of John Erving jun^r Mess^{rs} Gilbert Deblois William Whitwell and William Hunt were Read again and the following Resolve passed viz^t

Legislative
Records of the
Council, xxiii.,
204.

WHEREAS the Petitioners have confessed Judgment at the last Inferior Court of Common Pleas for the County of Suffolk for breach of the Act of Excise Anno 1757 and incurred the Penalty of £200, each, two thirds whereof is due to this Government and one third to the Collector of Excise. AND WHEREAS it Appears that there was no intention of Fraud in the Petitioners and that the Collector has received his dues for Excise, and so no injury has incurred to the Government Therefore

House Jour-
nal, pp. 94, 105,
115, 216. Prov-
ince Laws, iv.,
55, chap. 19;
122, note.

Resolved That the Governments part of the Fine be remitted to the Petitioners respectively. [*Passed February 1.*]

CHAPTER 274.

ORDER IMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF HAMPSHIRE TO GRANT A JURY.

Legislative
Records of the
Council, xxiii.,
206. Mass.
Archives,
cxxi., 355.

House Jour-
nal, pp. 202, 223.
Ante, p. 388,
chap. 56.
Post, p. 473,
chap. 276.

A PETITION of Thomas Williams Esq^r Representative of the Town of Deerfield for and in behalf of said Town Setting forth That two Publick Roads were lately laid out from said Town of Deerfield to the Town of Sunderland which Roads for great part of the way are not half a mile asunder, and not more than one of them necessary. That they depended upon one of the Selectmen to apply for a Jury for their Relief but he was unavoidably absent at the time the Court sat. And Praying that the Court of General Sessions of the Peace for the County of Hampshire may be empowered to Grant a Jury at their next Term, to consider of said Roads, in the same manner as if Application had been made seasonably therefor.

Read and

Ordered that the Court of Gen^l Sessions of the Peace for the County of Hampshire at their next Term be empowered to grant a Jury to Consider of the necessity and conveniency of said Roads in the same manner as if a Jury had been applied for in proper time. [*Passed February 2.*]

CHAPTER 275.

VOTE IMPOWERING THE SELECTMEN OF DEERFIELD TO SELL THE MINISTERIAL LOT OF LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
207. Mass.
Archives, xiv.,
154.

Mass.
Archives, xiv.,
153. House
Journal,
pp. 201, 202, 224.

A PETITION of Elijah Williams and others, Selectmen of Deerfield Praying liberty to sell a lot of Land containing about five Acres which is sequestered for the ministry, and bounded East by the Town street, West by the burying Lot, North by the Country Road and South by land belonging to the heirs of Mahuman Hinsdale deceased, the produce of said Sale to be put out at interest and employed for the same purpose, which they apprehend will be more the Towns advantage, than to keep the Land which is but of little profit to them.

[Read &]

Voted that the prayer of the petition be granted and that the Selectmen of the S^d Town of Deerfield be & hereby are Authorized & Impowered to make Sale of the Lot of Land mentioned in the petition for the most it will fetch & make & Execute a good Deed or Deeds in the Law for Conveying the same and that the produce of the Sale thereof be put out at Interest by the Selectmen of the S^d Town for the time being on good security and the Yearly Interest Arising thereon be Applied for the Use of the Ministry in S^d Town & to no other purpose

And that the Above mentioned petition together with this Order And the proceeding thereon from time to time be entred at large in the publick records of the S^d Town of Deerfield. [*Passed February 2.*]

CHAPTER 276.

ORDER IMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF HAMPSHIRE TO GRANT A JURY.

A PETITION of Jonathan Field and Others Inhabitants of the Town of Sunderland Setting forth that a publick way has been lately laid through the northerly part of said Town by a Committee appointed by the Justices of the Court of Quarter Sessions for the County of Hampshire and has been established by said Court greatly to the dissatisfaction of many of the Inhabitants of said Town, who apprehend it will bring an unnecessary charge upon them. That they through unacquaintedness with the Law neglected making seasonable Application for a Jury on said way. And Praying that they may have liberty to make Application for the same, such Neglect Notwithstanding.

Read and

Ordered that the Court of Gen^l Sessions of the Peace for the County of Hampshire at their next term be empowered to grant a Jury to Consider of the necessity and conveniency of said Land in the same manner as if a Jury had been applied in proper time. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
207. Mass.
Archives,
cxxi., 357.

Mass.
Archives,
cxxi., 336.
House Jour-
nal, pp. 201, 202,
224. *Ante*,
p. 472, chap.
274.

CHAPTER 277.

ORDER REMITTING TO THE TOWN OF TOWNSHEND £10 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Amos Whitney and others Selectmen of Townshend Setting forth the smallness and poverty of said Town which occasioned their not sending a Representative to the Great and General Court. And Praying that the Fine laid upon them for such neglect may be remitted.

Read and

Ordered That the Fine above mentioned be remitted, and that the sum of Ten pounds be allowed and paid out of the Publick Treasury accordingly. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
208.

House Jour-
nal, pp. 8, 217,
225. Province
Laws, iv., 252,
chap. 2; 336,
note.

CHAPTER 278.

RESOLVE ALLOWING £250 TO THE PRESIDENT OF HARVARD COLLEGE.

Resolved That the sum of Two hundred and fifty pounds be granted and allowed to be paid out of the Publick Treasury to the Reverend M^r Edward Holyoke President of Harvard College over and above the Rents of Massachusetts Hall for one Year ending the tenth day of September next to be paid quarterly. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
208.

House Jour-
nal, p. 221.

CHAPTER 279.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative
Records of the
Council, xxiii.,
208.

House Jour-
nal, p. 221.

Resolved That the sum of Fifty pounds be granted and Allowed to be paid out of the Publick Treasury to the honourable Andrew Oliver Esq^r Secretary of this Province for his Services for one Year ending the sixth day of December last. [*Passed February 2.*]

CHAPTER 280.

RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Legislative
Records of the
Council, xxiii.,
209.

House Jour-
nal, p. 221.
Supra, chap.
279.

Resolved That the sum of ninety Pounds be granted and allowed to be paid out of the Publick Treasury to the honourable Andrew Oliver Esq^r Secretary of this Province in consideration of his extraordinary services to the sixth day of December last. [*Passed February 2.*]

CHAPTER 281.

RESOLVE ALLOWING £750 TO THE JUSTICES.

Legislative
Records of the
Council, xxiii.,
209.

House Jour-
nal, pp. 220, 221.

Resolved That the sum of Seven hundred and fifty pounds be granted and paid out of the Publick Treasury to the honourable Justices of the Superior Court of Judicature, court of Assize and General Goal delivery for their Services for one Year ending the first of January last. [*Passed February 2.*]

CHAPTER 282.

RESOLVE ALLOWING £40 TO THE CHIEF JUSTICE.

Legislative
Records of the
Council, xxiii.,
209. Mass.
Archives,
xliv., 419.

House Jour-
nal, p. 221.

Resolved, That the Sum of Forty Pounds, be granted and paid out of the publick Treasury, to the honourable Stephen Sewall, Esq^r in Consideration of his faithful Discharge of the important Trust reposed in him as Chief Justice, and for his further Encouragement therein. [*Passed February 2.*]

CHAPTER 283.

RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Legislative
Records of the
Council, xxiii.,
209.

House Jour-
nal, p. 221.

Resolved That the sum of Two hundred and sixty seven pounds be granted and Allowed to be paid out of the Publick Treasury to Harrison Gray Esq^r Treasurer and Receiver General of his majestys Revenues of this Province for a Years Service ending the twenty third day of December last. [*Passed February 2.*]

CHAPTER 284.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Resolved That there be granted and allowed to be paid out of the Publick Treasury to Thomas Hubbard Esq^r commissary General the sum of One hundred and Fifty pounds for one Years Salary ending the tenth of January last. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
209.

House Jour-
nal, p. 221.

CHAPTER 285.

RESOLVE ALLOWING £100 TO M^r PROFESSOR WIGGLESWORTH.

Resolved That there be granted and allowed to be paid out of the Publick Treasury to the Rev^d Doctor Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in cambridge the sum of One hundred pounds as a Gratuity in consideration of his faithfull discharge of the great and important trust reposed in him and for his further Encouragment therein. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
209.

House Jour-
nal, p. 222.

CHAPTER 286.

RESOLVE ALLOWING £90 TO M^r PROFESSOR WINTHROP.

Resolved, That there be granted and allowed to be paid out of the publick Treasury to John Winthrop, Esq^r Hollisian-Professor of the Mathematicks and Natural Philosophy at Harvard-College in Cambridge, the Sum of Ninety Pounds, as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further Encouragement therein. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
210. Mass.
Archives,
lviii., 437.

House Jour-
nal, p. 222.

CHAPTER 287.

RESOLVE ALLOWING £20 TO M^r JUDAH MONIS.

Resolved That there be granted and allowed to be paid out of the Publick Treasury to M^r Judah monis, Hebrew Instructor at Harvard College in cambridge the sum of Twenty pounds as a Gratuity in consideration of his faithfull discharge of that trust reposed in him and for his further Encouragement therein. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
210.

House Jour-
nal, p. 222.

CHAPTER 288.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative
Records of the
Council, xxiii.,
210.

House Jour-
nal, p. 221.

In the House of Representatives

Resolved That there be granted and Allowed to be paid out of the Publick Treasury the sum of four shillings p diem to the honourable Samuel White Esq^r Speaker of the house for every day of his Attendance in the General Court from the opening of the Session on the 30th day of May 1759. over and above his pay as a Member of this House.

In Council Read & Concurred. [*Passed February 2.*]

CHAPTER 289.

RESOLVE ALLOWING £75 TO THE CLERK OF THE HOUSE.

Legislative
Records of the
Council, xxiii.,
210.

House Jour-
nal, p. 222.

Resolved That there be granted and Allowed to be paid out of the Publick Treasury the sum of Seventy five pounds to Roland Cotton Esq^r Clerk of the House of Representatives for his Service for one Year ending this day. [*Passed February 2.*]

CHAPTER 290.

RESOLVE ALLOWING £12 TO THE CHAPLAIN.

Legislative
Records of the
Council, xxiii.,
210.

House Jour-
nal, p. 222.

Resolved That there be allowed and paid out of the Publick Treasury the sum of Twelve pounds to the Rev^d M^r Samuel Cooper Chaplain to both Houses the current Year. [*Passed February 2.*]

CHAPTER 291.

RESOLVE ALLOWING £50 TO LIEU^t JOHN LARRABEE.

Legislative
Records of the
Council, xxiii.,
210.

House Jour-
nal, p. 222.

Resolved That there be allowed and paid out of the Publick Treasury the sum of Fifty pounds to John Larrabee Lieutenant of his majestys Garrison at Castle William in consideration of his faithful discharge of that trust reposed in him. [*Passed February 2.*]

CHAPTER 292.

RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Legislative
Records of the
Council, xxiii.,
211.

House Jour-
nal, p. 222.

Resolved That there be granted and allowed to be paid out of the Publick Treasury to m^r John Phillips chaplain at his majestys Castle William the sum of Forty pounds as a Gratuity for his Service in that Trust for one Year. [*Passed February 2.*]

CHAPTER 293.

RESOLVE ALLOWING £60 AND A FURTHER ALLOWANCE OF £40 TO THE DOOR KEEPER.

Resolved That there be allowed and paid out of the Publick Treasury the sum of sixty pounds to Mr William Baker Door keeper to his Excellency the Governor and this Court for his Service for one Year to be paid Quarterly: And Also the further sum of Forty pounds in consideration of his expence in hiring Assistance and extraordinary care and trouble as Doorkeeper. [*Passed February 2.*]

Legislative
Records of the
Council, xxiii.,
211.

House Jour-
nal, pp. 222, 223.

CHAPTER 294.

ORDER IMPOWERING JN^o BRADFORD, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Bradford Administrator of the Estate of Joel Bradford late of Attleborough deceased Setting forth That the said deceaseds personal Estate is insufficient to pay his just debts by the sum of £35.3.2½. And Praying leave to sell so much of the Real Estate as shall be sufficient to pay said debts and the contingent charges.

Legislative
Records of the
Council, xxiii.,
201, 211.

House Jour-
nal, pp. 218, 227,
228. Province
Laws, ii., 151,
chap. 10.

Read And

Ordered That the Prayer of the Petition be granted And that the Petitioner be empowered in his capacity of Administrator to make sale of so much of the Real Estate of Cap^t Joel Bradford deceased in the County of Bristol as shall amount to Forty pounds and to execute a good and sufficient Deed or Deeds of the same, he observing the Rules of the Law respecting the Sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of Probate for the County of Bristol to apply the Proceeds of said Sale to the payment of the deceaseds just debts, and charges arising on transacting the same, and to account for the overplus (if any there be) According to Law. [*Passed February 4.*]

CHAPTER 295.

ORDER ALLOWING £10 TO GEORGE ALLEN.

A PETITION of George Allen of Stoughton Setting forth That in the Year 1758. he went as a Soldier in the Pay of the Province in Col^o Dotys Regiment, and remained in the Service at Shenectada and other parts Westwards for the space of six months but that he is not made up in any muster Roll. And Praying Relief.

Legislative
Records of the
Council, xxiii.,
212. Mass.
Archives,
lxxviii., 592.

Read and

Ordered that the sum of ten pounds be allowed and paid out of the publick Treasury to the Pet^r in full for his Services within mentioned. [*Passed February 5.*]¹

Mass.
Archives,
lxxviii., 590.
House Jour-
nal, pp. 201, 228.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 4.

CHAPTER 296.

VOTE FOR AN ESTABLISHMENT FOR OFFICERS TO EACH 1,000 MEN.

Legislative
Records of the
Council, xxiii.,
213. Mass.
Archives,
lxxviii., 787.

Legislative
Records of the
Council, xxiii.,
125. House
Journal, p. 229.
Ante, p. 348,
chap. 335;
p. 460, chap.
245.

Voted that there be an Establishment for one Colonel one Lieu^t Colonel one Major and one Adjutant to each thousand Men agreed to be raised by this Government the present Session to Commence on the 20th of February curr^t Viz

To each Colonel	£25.			
To each Lieu ^t Colonel	16.	13.	4	} ½ Month
To each Major	13.	6.	8	
To each Adjutant	4.			

Provided that if any of the Officers which may be app^{ted} for the ensuing Campaign shall be of those that are now in the service and Pay of this Government.

Their Pay by virtue of this Establishment shall not commence until their Pay ceases upon the former Establishment. [*Passed February 5.*]

CHAPTER 297.

ORDER ALLOWING £3 TO JOHN HANCOCK.

Legislative
Records of the
Council, xxiii.,
213. Mass.
Archives,
lxxviii., 786.

House Jour-
nal, pp. 213, 229.
Ante, p. 247,
chap. 89.

A PETITION of Timothy Metcalf in behalf of John Hancock Setting forth That the said John Hancocks son, John Hancock Jun^r was a Soldier in the pay of the Province in 1758. in Cap^t Cox's Company of Col^o Ruggles's Regiment, and died in the Hospital at Albany, so that the Petitioner cannot account for his Son's Gun, for which there is a Stoppage made from his Wages. And Praying Relief.

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to Cap^t Metcalfe for the Use of John Hancock abovenamed in full. [*Passed February 5.*]

CHAPTER 298.

ORDER ALLOWING £1.4 TO ABR^a JOSSELYN.

Legislative
Records of the
Council, xxiii.,
213. Mass.
Archives,
lxxviii., 742.

Mass.
Archives,
lxxviii., 742.
House Jour-
nal, p. 228.

A PETITION of Abraham Josselyn a Soldier in the pay of the Province in 1758, who returned home Sick, and so remained for some time after his return Praying an Allowance.

Read and

Ordered that the Sum of One pound four Shillings be allowed and paid out of the publick Treasury to M^r Woodbridge Brown for the Use of the Pet^r in full. [*Passed February 5.*]

CHAPTER 299.

ORDER ALLOWING 40/ AND THREE MONTHS WAGES TO SOL^O MAKER.

A PETITION of Solomon Maker, a Soldier in the Pay of the Province the last year Setting forth, That being out on a Scout on S^t Johns River he was wounded in his Shoulders which Occasioned him great Pain, and rendring him unfit for further duty, he obtained a Furlow to come home And Praying an Allowance.

Read and

Ordered that the Sum of forty Shillings be allowed and paid out of the publick Treasury to Col^O Clap for the Use of the Pet^r in consideration of his Wounds and Sufferings mentioned. Also that three month's Wages be paid to the said Clap for the Pet^r's present Support. [*Passed February 5.*]

Legislative
Records of the
Council, xxlii.,
214. Mass.
Archives,
lxxviii., 121.

Mass.
Archives,
lxxviii., 121.
House Jour-
nal, pp. 155, 156,
229.

CHAPTER 300.

ORDER ALLOWING £3 TO JOHN GERRISH.

A PETITION of Benjamin Chadbourne in behalf of John Gerrish of Berwick Setting forth That the said John was a Soldier in the Pay of the Province in 1758, and being in the Action near Ticonderoga, his Gun was by a Shot rendered unserviceable, he was therefore by his commanding Officer Ordered to return it into the Kings Stores, which he accordingly did, nor did he receive any other Gun in the room of it: that there is nevertheless a Stoppage of Three pounds from his Wages on Account of said Gun and Praying Relief.

Read and

Ordered that the sum of three pounds be allowed and paid out of the publick Treasury to Cap^t Chadburne for the Use of John Gerrish within named in full. [*Passed February 5.*]

Legislative
Records of the
Council, xxlii.,
214. Mass.
Archives,
lxxviii., 788.

House Jour-
nal, pp. 190, 229.
Ante, p. 247,
chap. 89.

CHAPTER 301.

ORDER ALLOWING £150 TO HARRISON GRAY, ESQ^R, TREASURER.

A MEMORIAL of Harrison Gray Esq^r Treasurer and Receiver General of the Province Setting forth his extraordinary Services in paying off the Troops who served under General Abercrombie to the Amount of £103,458.3.3 in paying off several thousand men who went to the Relief of Fort William Henry in the Year 1757 amounting to upwards of Ten thousand pounds, in issuing several Thousand Government Securities from June 1758, to June 1759, amounting to £150,105.19.7 and in signing several Thousand Bounty Notes for inlisting of Soldiers, by means of which he has been put to great Expence in hiring Clerks, and subject to great risque of making mistakes to his own prejudice and to great fatigue in order to give the necessary dispatch to the whole. And Praying an Allowance.

Read and

Legislative
Records of the
Council, xxlii.,
214. Mass.
Archives,
lxxviii., 702.

Mass.
Archives,
lxxviii., 700.
House Jour-
nal, pp. 167, 168,
230.

Ordered that the Sum of One hundred and fifty pounds be allowed and paid out of the publick Treasury to the Memorialist in full for his extraordinary Services to this Day. [*Passed February 5.*¹

CHAPTER 302.

ORDER ALLOWING HENRY PITTS AND OTHERS THE USUAL WITNESS FEES AND TRAVELLING EXPENSES.

Legislative
Records of the
Council, xxlii.,
215.

House Jour-
nal, p. 383
(March, 1758).
pp. 156, 231.

A PETITION of Henry Pitts and seven Others, who were summoned by order of this Court to appear as Witnesses upon some complaints against Col^o Thomas Gilbert Praying an allowance for their time and expences.

Read and

Ordered That the honourable Samuel White Esq^r be allowed to receive out of the Publick Treasury for the use of the Petitioners the usual Pay allowed by the lower Courts for Travel and Attendance to Witnesses agreeable to the Schedule to this Petition annexed. [*Passed February 6.*

CHAPTER 303.

VOTE EXTENDING THE TIME ALLOWED SELECTMEN OF TOWNS TO MAKE LISTS OF FRENCH NEUTRALS.

Legislative
Records of the
Council, xxlii.,
217. Mass.
Archives,
xxiv., 259.

House Jour-
nal, p. 233.
Province
Laws, iv., 103,
note. *Ante*,
p. 417, chap.
137.

WHEREAS an Order issued from the Great and General Court the 19th of October last to the Select men of those Towns where any of the French Neutrals were then residing; enjoining them in thirty Days to return in to the Secretary's Office upon Oath, perfect Lists of the Names, Ages &c. of all such, and of their Capacity for Labour, according to their best Judgment: And it was resolved thereupon, That, if the Selectmen of any such Towns should neglect to return Lists as aforesaid, no Account of Charge which they might bring in, on account of such French People should be allowed:

And whereas it appears notwithstanding the due Attention of the Select men of some of said Towns to the said Order of Court, some Returns have not been brought in by Reason of Accident, within the Time limited: Therefore,

Voted, That such Selectmen have still Leave until the eleventh Day of February Current, to make their Returns, and their Towns be intitled to the same Benefits as if they had been given in, by the Time limited in the former Resolve; the above Order of Court notwithstanding. [*Passed February 7.*

¹ This date is according to Legislative Records of the Council and the House Journal; the final date as given in Mass. Archives is February 2, evidently a mistake, as the same manuscript gives its passage through the House February 5, and is endorsed "Advised, February 6."

CHAPTER 304.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £60 TO DR.
JEREMIAH HALL.

A PETITION of Jeremiah Hall Setting forth That he was Appointed Surgeon to Col^o Thomas's Regiment raised the last year for the Invasion of Canada, and was posted at Lunenburg in nova Scotia, That he obtained leave from his Col^o to visit his Family upon providing a Surgeon to take care of the Sick in his Absence, and that he is now returning to his Regiment. And Praying that he may be allowed to receive his Wages to the first of November.

Legislative
Records of the
Council, xxlii.,
217. Mass.
Archives,
lxxviii., 677.

Mass.
Archives,
lxxviii., 676.
House Jour-
nal, p. 233.

Read and

Ordered that the Treasurer be directed to pay out of the Treasury to the Petitioner the Sum of Sixty pounds. He to be accountable for said sum when the Musterroll shall be compleated. [*Passed February 7.*]

CHAPTER 305.

VOTE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF
ESSEX TO APPOINT A COMMITTEE TO DIVIDE AN ESTATE.

A PETITION of Elijah Porter as Guardian of Samuel Porter a minor son of Eleazer Porter late of Danvers in the County of Essex deceased, and Jarrant Putnam and mary his Wife and Abigail Porter, the said mary and Abigail being Daughters of the said Eleazer Porter, and the said Samuel, mary and Abigail being all the Surviving Children of the said Eleazer Setting forth That said Eleazer Porter by his last Will devised to his Wife Abigail and his said three Children certain specifick Legacies, and the Remainder of his Estate to his two sons David and Asa then living to be equally divided between them: and that the said David and Asa died in about three Weeks after their Father, and after that the Widow also died, That said Asa was her son, and so one quarter part of his Share accrued to her. That in order to divide the said Eleazers Estate there must be by Law four committees viz^t one to divide the same between the said David and Asa, one to Divide the said Davids Estate, one to Divide the said Asa's Estate and another to divide that part of the said Asa's Estate which accrued to his mother. That the said Eleazers Homestead consists of One hundred and ninety three Acres of Land with two Houses and two Barns thereon. And Praying that the Judge of Probate of Wills &c^a for the County of Essex may be impowered to appoint a committee on Oath to set off so much of the said Homestead Lands to each of the said Three surviving Children as shall be equal to their respective Legacies, and to their Shares in the said Estate.

Legislative
Records of the
Council, xxlii.,
218.

House Jour-
nal, pp. 196, 233,
234.

[Read &]

Voted That the honourable John choat Esq^r Judge of the Probate of Wills and granting Administration for the County of Essex be, and he hereby is impowered to appoint a committee of five suitable Freeholders in said County on Oath to divide and set off by Butts and Bounds so much of the Homestead Lands mentioned in this Petition to each of the three surviving Children mentioned therein as in the Judgment of the committee shall be equal in value

to their respective Shares & Proportions of the Legacies mentioned in the Petition in lieu of their Shares of said Legacies in money; And Also to Divide the remainder of said Homestead Estate between the said three surviving children, and to set off to each of them their Shares thereof in severalty according to their respective Interests therein: which divisions being returned to said Judge and by him accepted and recorded shall give the said Samuel Mary and Abigail severally a good Title in Fee Simple to the several parcells of the aforesaid Homestead Estate to them respectively set off, and the Lands set off to the said Samuel mary and Abigail in lieu of their Shares of the Legacies aforesaid shall be in full Satisfaction for said Legacies. [*Passed February 7.*]

CHAPTER 306.

VOTE TO PROSECUTE PERSONS PURCHASING INDIAN LANDS CONTRARY TO LAW.

Legislative
Records of the
Council, xxiii.,
219. Mass.
Archives,
xxxiii., 123.

House Jour-
nal, pp. 193, 198
(January,
1754); pp. 170,
234. Province
Laws, i., 471,
chap. 11.

UPON THE PETITIONS of Elisha Goodrich and Others for Grants of Lands in the Western parts of the Province accompanied with a Memorial of the Stockbridge Indians relative thereto the following Vote passed viz^t

In as much as it appears to the Court that sundry Persons have presumed to make purchases of the Indians of part of their Lands contrary to a Law of this Province made in the 13th Year of the Reign of King William the third intituled “An Act to prevent and make void clandestine and illegal purchases of Lands from the Indians” whereby great Mischief may ensue

Therefore

Voted that the aforesaid Law be printed on a Seperate Sheet of Paper and dispersed among the the¹ Inhabitants living on and near said Lands and that John Worthington and Joseph Hawley Esq^{rs} be desired at the Expençe of this Government to prosecute all such Persons as may have made Purchases of the Indians contrary to the Law aforesaid for the Penalties inflicted by said Law. [*Passed February 7.*]

CHAPTER 307.

ORDER EXTENDING THE TIME FOR PRESENTING CLAIMS AGAINST AN INSOLVENT ESTATE.

Legislative
Records of the
Council, xxiii.,
178.

House Jour-
nal, p. 243.

A PETITION of Ichabod Wadsworth of Duxborough Setting forth That the Estate of Josiah Hatch late of Pembroke deceased is represented Insolvant, and that he as Executor of Samuel Cole deceased is a Creditor, but that his Claim was not carried in to the Commissioners, the Petitioner depending upon one of the Administrators of said Josiahs Estate to carry in the same for him who through forgetfulness had omitted it. And Praying that the Judge of Probate for the County of Plymouth may be enabled to give directions for the receiving said claim, the time by him fixed for bringing in the Claims being elapsed, Notwithstanding.

Read and

Ordered That the Prayer of this Petition be granted: And that the Judge of Probate of Wills &c for the County of Plymouth be, and he hereby is allowed and impowered to grant such further time as he shall think fit within the time limited by law for the Petitioner or any other of the Creditors of Josiah Hatch within mentioned deceased to bring in their Claims for debts due to them from the deceased: And that the Commissioners appointed by said Judge be likewise impowered to receive said Claims, and he the said Judge to make a Settlement of the Estate accordingly. [*Passed February 8.*¹

CHAPTER 308.

VOTE DIRECTING THE COMMISSARY GENERAL TO PURCHASE BLANKETS AND OTHER NECESSARIES FOR THE PROPOSED EXPEDITION.

Voted That the commissary General be directed to purchase as soon as may be such Blankets and other Necessaries as are by order of the General Court to be provided for the Troops to be raised for the Expedition of the present Year. [*Passed February 8.*

Legislative Records of the Council, xxiii., 220.

House Journal, p. 241.
Ante, p. 460, chap. 245.

CHAPTER 309.

ORDER DIRECTING M^r JOHN TYNG TO ENDORSE GOVERNMENT NOTES ISSUED FOR BOUNTY.

Ordered That M^r John Tyng endorse those Notes that shall be issued out of the Treasury for the payment of the Bounty to Non commission Officers and Soldiers who shall enlist into the Service in the ensuing Campaign. [*Passed February 8.*

Legislative Records of the Council, xxiii., 220.

House Journal, p. 239.

CHAPTER 310.

ORDER ASSESSING A TAX OF ONE HALF PENNY PER ACRE ON LAND IN THE DISTRICT OF WESTMINSTER INCLUDING 500 ACRES GRANTED TO THE LATE GOV. BELCHER.

THE COMMITTEE Appointed to Consider of the Petition of Joseph Holden & others [*ante*, p. 397, chap. 81] Inhabitants of the Plantation, called Narraganset N^o Two. now the District of Westminster together with the answer of the nonresident Proprietors, Having heard the Parties & Considered their several allegations report, That in April 1756. when the Inhabitants were about being made into a Township, a Condition of their being so Incorporated, was that the Proprietors should support the Gospel ministry in s^d Place for Ten Years. to be accounted from s^d time That Taxes have been Assess'd on & paid by s^d Proprietors, and a larger sum than what was necessary for defreying the ministerial Charges, brought into their Treasury; And the Parties now resting satisfied in the Proprietors fulfilling

Legislative Records of the Council, xxiii., 220. Mass. Archives, cxvii., 520.

Legislative Records of the Council, xxiii., 138. House Journal, pp. 149, 150, 242. Province Laws, iv., 280, chap. 15; 340, note; v., 280, note; xii., 112, chap. 246. *Ante*, p. 397, chap. 81.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 25, evidently a mistake, as it passed the House last on February 8.

those terms The Comitte humbly report that there be a Tax of an half penny p acre for four years next coming, assessed on the non-resident Proprietors, which sum they Apprehend will be sufficient (with what is hereafter provided) to compleat, the ministerial charges for the Ten years afores^d

The Comitte also finding that a Farm of 500 acres, laid out to the late Gov^r Belcher (& long since sold) thô included within the bounds of s^d District yet never paid any Taxes It is therefore proposed, that the same Tax be also levied on the Proprietor of s^d Tract, & to be continued yearly during the afores^d Term

p ord^r of the Com^{tee}

BENJ LYNDE

Read and Accepted And

Ordered That there be a Tax of one half penny p acre laid on the Lands of the Non Resident Proprietors of the District of Westminster as also upon a Tract of 500 acres laid out to the late Governor Belcher included in the Bounds of said District the money so raised, to be applied towards defreying Ministerial Charges in said District, and that the Inhabitants thereof be authorised and impowered to appoint Assessors & Collectors of said Tax, who are hereby vested with the like Power as other assessors & Collectors & are to govern themselves according to Law in discharge of the duties of said Offices. [*Passed February 8.*]

CHAPTER 311.

ORDER ALLOWING £30 TO LIEUT. ELISHA HOUSE.

Legislative
Records of the
Council, xxiii.,
222. Mass.
Archives,
lxxviii., 776.

House Jour-
nal, pp. 224, 240.

A PETITION of Elisha House a Lieutenant in Cap^t Tapleys company of Col^o Fryes Regiment posted at Annapolis Royall, Praying that as he is now here by leave of his colonel, and about to return to his Regiment, he may be allowed to receive his wages to 1st of November last.

Read and

Ordered that the Sum of thirty pounds be allowed and paid out of the Publick Treasury to the Pet^r in part of his Wages. He to be accountable for the Same when the Roll shall be made up. [*Passed February 8.*]

CHAPTER 312.

ORDER ALLOWING £2.10 TO NAT: HOOPER.

Legislative
Records of the
Council, xxiii.,
222. Mass.
Archives,
lxxviii., 674.

Mass.
Archives,
lxxviii., 674.
House Jour-
nal, pp. 205, 240.
Ante, p. 89,
chap. 199.

A PETITION of Nathaniel Hooper of Bridgewater, a Soldier in the Pay of the Province in the Year 1756, Setting forth That there was a Stoppage from his Wages for his Guns not being returned when in Fact he did return it. And Praying an Allowance.

Read and

Ordered that the sum of two pounds ten shillings be allowed and paid out of the publick Treasury to Cap^t Howard for the Use of the Petitioner in consideration of that Sum Stop'd out of His Wages for his Gun &c which was return'd into the store at Albany. [*Passed February 8.*]

CHAPTER 313.

VOTE IMPOWERING THE GUARDIANS OF TETICUT INDIANS TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jonathan Woods and James Keith of Bridgewater Setting forth That in the Year 1754, one Stephen David an Indian of Titecut being ill and unable to support himself his Wife and Children they Supplied him to the Amount of £30.4 expecting to be reimbursed out of the Sale of some Lands which this Court had allowed to be sold for the payment of the said Stephens Debts; but the amount thereof proves insufficient, and the said Stephen has left the Province and now resides at Albany, having left about thirty Acres of Land at Titecut. And Praying that the same may be sold or set off to them for the Satisfying said debt.

[Read &]

Voted that the Prayer of the Petition be So far Granted, that the Gaurdians of the S^d Stephen David Be fully Authorised & Impowered to Make Sale of the Lands Within Mentioned for the most the Same Will fetch, Observing the Directions of the Law for the Sale of Intestate estates, and make & execute a Good Deed or Deeds in the Law of the same, and the Monies Arising from the Sale thereof to be applied for the payment of the Just debts of the S^d David that are or Shall be approbated According to Law in Proportion to the Legall Demands of Each of his Creditors as far as the Same Will Go, first Giving Publick Notice to his Creditors by Inserting the Same in one or more of the Boston weekly Newes Papers for three weeks Successively that they Bring in their Demands to the S^d Guardians on or Before the first day of may next, and the Overplus If any there be to remain in the hands of the s^d Gaurdian for the further Order of this Court. [*Passed February 8.*]

Legislative
Records of the
Council, xxiii.,
223. Mass.
Archives,
xxxiii., 120.

Mass.
Archives,
xxxiii., 118.
House Jour-
nal, pp. 205, 240.
Province
Laws, ii., 151,
chap. 10; xv.,
153, chap. 359.
Ante, p. 241,
chap. 76, note.

CHAPTER 314.

ORDER ALLOWING £8 TO AARON CONKANERY.

A PETITION of Aaron conkaney of Bridgewater Setting forth That being a Soldier in the Pay of this Province in the Year 1757, he was taken Prisoner at the Surrender of Fort William Henry and remained in captivity two Years and five Months from which he was at length delivered and by a Flag of Truce sent to Crown point. And Praying an Allowance.

Read and

Ordered that the sum of Eight pounds be allowed and paid out of the publick Treasury to Cap^t Howard for the Use of the Pet^r in full for his services and sufferings within mentioned. [*Passed February 8.*]

Legislative
Records of the
Council, xxiii.,
223. Mass.
Archives,
lxxviii., 751.

Mass.
Archives,
lxxviii., 751.
House Jour-
nal, p. 241.

CHAPTER 315.

ORDER ALLOWING £3 TO JOSEPH WILLIS.

Legislative
Records of the
Council, xxiii.,
224. Mass.
Archives,
lxxviii., 675.

House Jour-
nal, pp. 217, 242.
Ante, p. 247,
chap. 89.

A PETITION of Joseph Willis of Norton Setting forth That his son Joseph Willis a minor was a Soldier in the Pay of the Province in 1758, and died in the Service in September the same Year; that his Gun was returned into the Kings store at Fort Stanwix, Notwithstanding which there is a Stoppage from his Wages for the Value of said Gun. And Praying an Allowance

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to Cap^t Morey for the Use of the Pet^r in full. [*Passed February 8.*]

CHAPTER 316.

ORDER ALLOWING £8 AND A FURTHER SUM OF £6 TO STEP: VOSE.

Legislative
Records of the
Council, xxiii.,
224. Mass.
Archives,
lxxviii., 673.

House Jour-
nal, pp. 152, 242.

A PETITION of Stephen Vose of Milton Setting forth That in June last being a Soldier in the pay of this Province posted at St Johns under Col^o Arbuthnot he was wounded in an Engagement with the Indian Enemy which Obliged him to have his Leg cut off above the Knee whereby he is rendered unable to support himself. And Praying Relief.

Read and

Ordered that the Sum of Eight pounds be annually allowed and paid to the Pet^r till the further Order of this Court. Also that the Sum of six pounds be allowed and paid him in consideration of his Wounds mentioned. [*Passed February 8.*]

CHAPTER 317.

VOTE FOR TRANSFER OF APPROPRIATIONS.

Legislative
Records of the
Council, xxiii.,
225.

Legislative
Records of the
Council, xxii.,
341; xxiii., 180.
House Jour-
nal, p. 245.
Province
Laws, iv., 269,
chap. 8.

Voted That there be a Transfer of Three hundred and fifty pounds from the Appropriation for Forts and Garrisons to the Appropriation for the payment of the Charge of the late Inhabitants of Nova Scotia. [*Passed February 9.*]

CHAPTER 318.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
225.

Voted That the sum of two pounds seven shillings & eleven pence be allowed and paid out of the Publick Treasury to Samuel White Esq^r for the use of the Petitioner George Crosman in full

To Col^o marcy the sum of One pound ten shillings for the use of the Petitioner Seth Hinds in full. And the sum of Two pounds five shillings and three pence for the use of James Corbin in full. And the sum of Three pounds twelve shillings and five pence for the use of Joseph Putney in full. To Cap^t Goldthwait for the use of Samuel Tuttle Two pounds five shillings in full. To Col^o Partridge for the use of Joel Chapin the sum of Two pounds nineteen shillings in full To Cap^t Ruggles for the use of William Ellis One pound eighteen shillings and eight pence in full. To Cap^t Chadburne for the use of Benjamin Nock Three pounds sixteen shillings & eight pence in full. To Cap^t Chadburne for the use of Moses Abbot One pound three shillings and seven pence in full. [*Passed February 9.*]

Mass. Archives, lxxviii., 89, 193, 227, 228, 454, 494, 495, 510, 754. House Journal, p. 243.

CHAPTER 319.

ORDER EXTENDING THE TIME FOR MAKING UP MUSTER ROLLS.

A PETITION of John Burk and Others, captains in Brigadier General Ruggles's Regiment in the Pay of this Province the last Year Setting forth That they have been allowed fifteen days to make up their Rolls, but by reason of several hindrances they met with in settling with regard to the Supplies made the men, they have been detained several days beyond the time Allowed. And Praying Relief.

Read and in Answer

Ordered that ten days be allowed to the Pet^{rs} in addition to the fifteen Days already granted by the Court for the Compleating their Rolls. [*Passed February 9.*]

Legislative Records of the Council, xxiii., 226. Mass. Archives, lxxviii., 797.

House Journal, p. 244. *Ante*, p. 251, chap. 95; p. 468, chap. 264.

CHAPTER 320.

RESOLVE ASSESSING A TAX OF ONE FARTHING PER ACRE FOR FOUR YEARS ON LAND IN DISTRICT OF NEW SALEM.

A PETITION of Jonas Houlton Agent for the District of New Salem in the County of Hampshire, setting forth That the last Winter they had a Countrey Road laid through said District of about eight Miles in length, and four rods Wide, That said District is yet in its Infancy, and labour under great burdens in supporting their Minister, and must be at great charge in making said road; And praying there may be a Tax of one penny p acre laid on the unimproved Lands of the Nonresident proprietors of said District for the term of three years to enable them to defray said charges.

Legislative Records of the Council, xxiii., 35, 226.

House Journal, pp. 244, 245. Province Laws, iv., 340, note.

The Committee appointed the 5 January on the Petition of Joseph Houlton Agent for the District of New Salem presented their Report
(Signed) BENJ^A LINCOLN p order.

And thereupon.

Resolved That the whole of the unimproved Lands in the District of new Salem be taxed at one farthing p Acre for four years next ensuing, the money raised thereby to be applied for the making and repairing the Highways in said District, and for no other purpose

whatsoever. And the Clerk of said District is hereby directed to transmit yearly and every year to some one of the Principal non Resident Proprietors an exact Account of the sum raised and of the Application thereof, And Also to transmit as aforesaid within six Months next ensuing an Account of the Application of the last Tax, granted by said Proprietors. [*Passed February 9.*]

CHAPTER 321.

ORDER REFERRING WITH NOTICE AND STAY OF PROCEEDINGS THE PETITION OF MOSES FARNUM AND OTHERS IN REGARD TO PERSONS CALLED QUAKERS.

Legislative
Records of the
Council, xxiii.,
227. Mass.
Archives, xiv.,
176.

Mass.
Archives, xiv.,
168. House
Journal, p. 245.
Province
Laws, iv., 336,
note. *Ante*,
p. 358, chap.
359.

A PETITION of moses Farnum and others of the People called Quakers Setting forth That the sums Assessed on them in consequence of a Law of the Province for hiring men to go into the Service the last Year exceed the sums that were actually disbursed on that Account. And Praying Relief,

Read and

Ordered that the Pet^{rs} serve the several Captains within named with copies of this Petition that they make answer to the Articles alledged against them in this Petition on the first fryday of the next Setteng of this Court. And that the Constables or Collectors to whom the several Lists in which the Quakers (referred to) in this Petition are included; be directed to make no distress on such Quakers till the further Order of this Court. [*Passed February 9.*]

CHAPTER 322.

VOTE ALLOWING TEN DAYS ADDITIONAL TO THE CAPTAINS IN COL^O WILLIARDS REG^T FOR MAKING UP MUSTER ROLLS.

Legislative
Records of the
Council, xxiii.,
227.

House Jour-
nal, p. 248.
Ante, p. 487,
chap. 319.

JOHN CHANDLER ESQ^R from the Board went down to the House with a message to move them, that as they had made additional allowance to the Captains in Brigadier Ruggles's Regiment for making up the muster Rolls, they would make the like Provision for those in Col^O Willards Regiment.

Voted That the several Captains in Col^O Willards late Regiment be allowed ten days in Addition to the fifteen heretofore allowed by the Court for making up and compleating their several Rolls. [*Passed February 11.*]

CHAPTER 323.

VOTE DISMISSING WILLIAM BOLLAN, ESQ^R, FROM THE AGENCY AT THE COURT AT GREAT BRITAIN.

Legislative
Records of the
Council, xxiii.,
228.

IN THE HOUSE OF REPRESENTATIVES, The House entered into the consideration of the State of the Agency at the Court of Great Britain, and after a debate the following Vote passed viz^t

Voted That William Bollan Esq^r be dismissed from the agency for this Province at the Court of Great Britain.
In Council Read and Concurred. [*Passed February 12.*]

Mass.
Archives,
xxii., 128, 129.
House Jour-
nal, pp. 230, 253.

CHAPTER 324.

VOTES ESTABLISHING WAGES FOR PROVINCE SHIP KING GEORGE AND EXTENDING TIME FOR ENLISTMENT FOR THE EXPEDITION AGAINST CANADA.

Voted, That the following Establishment of Wages be made for One Hundred and fifty Men (Officers included) for the Province Ship called the King George, to commence the twenty fifth Day of March next, and to continue until the first Day of September next, provided the War with France shall continue so long, Viz^t

Legislative
Records of the
Council, xxiii.,
229. Mass.
Archives,
lxvi., 45.

House Jour-
nal, p. 250.
Ante, p. 460,
chap. 245.

For a Captain, eight Pounds	per Month.
For a Lieutenant five Pounds	Ditto.
For a Master, Four Pounds	Ditto.
For a Pilot, Four Pounds	Ditto.
For a Chirurgeon, Four Pounds, ...	Ditto.
For a Chirurgeon's Mate two Pounds ten Shillings	Ditto.
For a Chaplain, Three Pounds ten Shillings	Ditto.
For a Mate, Three Pounds	Ditto.
For a Carpenter, Three Pounds	Ditto.
For a Gunner, Three Pounds	Ditto.
For a Boat-Swain, Three Pounds	Ditto.
For a Sail-maker, two Pounds, ten Shillings	Ditto.
For an Armourer two Pounds, ten Shillings	Do
For a Coxswain two Pounds, ten Shillings	Ditto.
For a Boat swain's Mate, two Pounds five Shillings	Ditto.
For a Steward, two Pounds five Shillings	Ditto.
For a Cook, two Pounds	Ditto.
For a Quarter-Master, two Pounds five Shillings	Ditto.
For each Seamen, two Pounds	Ditto.

And that his Excellency be desired to give Orders for Inlisting said Men accordingly.

Also

Voted, That the Time for the Inlistment of the present Levy for an Expedition against Canada be lengthned out to the thirty first Day of March next. [*Passed February 12.*]

CHAPTER 325.

ORDER ALLOWING £3.8 TO THOMAS JOY.

A PETITION of Samuel Parkman in behalf of Thomas Joy setting forth That the said Thomas inlisted as a Soldier the last year in Cap^t Caleb Willards company, and was afterwards turned over to Cap^t Aaron Willards company, and was made up only in the muster Roll of the latter, by which he is cut short one month and twenty five days Service. And Praying Relief.

Read and

Ordered that the Sum of three pounds eight Shillings be allowed and paid out of the publick Treasury to Samuel Parkman for the Use of the Pet^r in full. [*Passed February 12.*]

Legislative
Records of the
Council, xxiii.,
231. Mass.
Archives,
lxxviii., 350.

Mass.
Archives,
lxxviii., 349.
House Jour-
nal, p. 249.

CHAPTER 326.

VOTE ALLOWING £7.4 TO CHRISTOPHER DYER.

Legislative
Records of the
Council, xxii.,
231. Mass.
Archives,
lxxviii., 790.

Mass.
Archives,
lxxviii., 790.
House Jour-
nal, pp. 237, 255.

A PETITION of Samuel Niles in behalf of Christopher Dyer of Braintree Setting forth That in the Year 1758, the said Christopher went into the Service in Col^o Joseph Williams's Regiment, that he was first Ordered to Castle William, from thence to Albany, and thence to Shenectada under Lieu^t Peck, and afterwards under Lieu^t Seth Turner, and perform'd duty as a Soldier 'till the 13th of September when by reason of Sickness, he was dismissed by Lieu^t Col^o Doane, and not having joined any Company, he is not made up in any Roll And Praying Relief.

[Read &]

Voted that there be allowed & paid out of the Publick Treasury to the petitioner for the use of Christopher Dyer the Sum of Seven pounds & Four shillings in full for his Said Dyers Service within mentiodn. [*Passed February 12.*]

CHAPTER 327.

VOTE ALLOWING £3.5.8½ TO CHA^s CUSHING.

Legislative
Records of the
Council, xxiii.,
231. Mass.
Archives,
lxxviii., 791,
800.

House Jour-
nal, pp. 235, 236,
253. *Ante*,
p. 327, chap.
283; p. 348,
chap. 335.

THE PETITION of Charles Cushing

Humbly sheweth

That in March AD. 1759 he was appointed a Dep^y Commissary to the Forces at Penobscot for the Building the Fort there That he immediately took upon him that Trust went down to Falmouth where the Soldiers were Raised- And Faithfully did his Duty therein untill they were Dismist That Altho' he was Sensible the Gen^l Assembly had Granted but 4£ p Month for the Commissary Yet apprehending he might have Liberty to Supply the Soldiers and others with Some Necessaries he was induced to Engage in said Service And Sent from Falmouth where he then was to Boston for Such Articles as he Judged would be wanting But at the same time they came to hand Your Petitioner received an Account from the Commissary General That the Gen^l Court had Ordered that no Commissary shou'd supply the Forces with any stores whatsoever but what he Received from the Government upon forfeiture of his Wages And that the Co^mmissarys should have 8£ p Month This Order passed on the 17th of April Almost a month after he had engaged in the Business and it was near six Weeks before he heard of it & when he could not disengage himself from the Service which was a Great disappointment as well as Damage to him Your Petitioner therefore prays that he may have the same Allowance which other Commissarys have or be Otherwise Relieved as in Your Wisdom shall be Judged Reasonable

[Read &]

Voted that the Sum of three pounds five Shillings and eight pence half penny be allowed and paid out of the publick Treasury to Charles Cushing Deputy Commissary to the Troops who built the Fort at Penobscot He being made up short that Sum in the Musterroll. [*Passed February 12.*]

CHAPTER 328.

ORDER CONFIRMING THE VALIDITY OF THE TAXES IN THE TOWN OF LITTLETON.

A PETITION of Jonathan Whitcomb and others Selectmen of Littleton Setting forth That in April last one Cornelius Thayer of Boston came to dwell with one Simon Tuttle of Littleton as an apprentice; that the Selectmen supposing him to be of Age rated him for his Poll, but afterwards finding him to be under Age, and a Servant to said Tuttle, they erased the said Servants name, and added his Poll Tax to his said masters Rate. And although this was done without suspecting themselves of doing Wrong, yet as some ill minded Persons would take Advantage hereof, and refuse paying their own Tax as Supposing the whole Rate made void by this Alteration Praying that the same may be confirmed by this Court.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Tax Bill with the Alteration mentioned shall be valid to all Intents and purposes. And the Constable is hereby impowered to collect the rates Accordingly. [*Passed February 12.*]

Legislative
Records of the
Council, xxiii.,
231.

House Jour-
nal, pp. 247, 249.
Province
Laws, iv., 337,
note.

CHAPTER 329.

VOTE THAT CONSTABLES OR COLLECTORS SUSPEND THE COLLECTION OF A CERTAIN TAX ON QUAKERS.

WHEREAS a Tax was laid on the Quakers in the several Towns within this Province in the Year 1759 in order to raise the Quota of Men to go into the general Service. And said Tax much exceeds the Sum drawn out of the publick Treasury for said Use. Complaint also being made by some of the members of the Towns in this Province of the burthen falling on them in consequence of said Tax. Therefore

Voted that the Constables or Collectors in such Towns be directed to make no distress on the Quakers in said Towns for the Tax so laid till the next Sitting of this Court. [*Passed February 12.*]

Legislative
Records of the
Council, xxiii.,
232. Mass.
Archives, xiv.,
159.

House Jour-
nal, pp. 253, 254.
Province
Laws, iv., 337,
note. *Ante*,
p. 353, chap.
359; p. 488,
chap. 321.

CHAPTER 330.

ORDER ALLOWING £3. 6. 6 TO FRANCIS SNOW.

A PETITION of Francis Snow of Raynham, Setting forth That in the Year 1758. he inlisted in his majestys Service under the Command of Cap^t Philip Walker on the 2^d day of may 1758, and was dismissed at the Great carrying Place on the first day of november following, and that he carried his own Gun into the Service. That he is made up but Nine pounds fourteen shillings and one penny in the muster Roll, out of which Also there is a

Legislative
Records of the
Council, xxiii.,
232. Mass.
Archives, ix.,
lxxviii., 401.

Mass.
Archives,
lxxviii., 401.
House Jour-
nal, pp. 180, 249.

Stoppage of Three pounds for not returning a Gun, And Praying Relief.

Read and

Ordered that the Sum of three pounds six shillings and six pence be allowed and paid out of the publick Treasury to the Hon^{ble} Sam^l White Esq^r for the Use of the Pet^r in full. [*Passed February 12.*]

CHAPTER 331.

ORDER ALLOWING £3. 6. 11 TO CALEB SNOW.

Legislative
Records of the
Council, xxiii.,
233. Mass.
Archives,
lxxviii., 441.

A PETITION of Caleb Snow of Raynham Setting forth That he went as a Soldier in the pay of the Province in the Year 1758. in Cap^t Philip Walkers Company, and that he is made up in the muster Roll short of the time he served And Praying Relief.

Mass.
Archives,
lxxviii., 441.
House Jour-
nal, pp. 180, 249.

Read and

Ordered that the sum of three pounds six shill^{es} and eleven pence be allowed and paid out of the publick Treasury to the Hon^{ble} Samuel White Esq^r for the Use of the Pet^r in full. [*Passed February 12.*]

CHAPTER 332.

ORDER ALLOWING £3 TO NOAH M^cINTYER.

Legislative
Records of the
Council, xxiii.,
233. Mass.
Archives,
lxxviii., 774.

A PETITION of Noah M^cIntyer Setting forth That in the Year 1758. he went into his Majestys Service under the command of Cap^t Philip Richardson, and in the room of one Samuel Dutton of Worcester, and was accepted as such by the muster master notwithstanding which Cap^t Dresser of Charlton returned him as one of his men, and he was as such Accepted by the muster master. Whereupon said Samuel Dutton commenced an Action against him, and recovered Sixteen pounds and Costs That the Petitioner received one of the Kings Arms which was rendered unserviceable at the Fight at Ticonderoga, and he left it with the commissary at Albany, yet there is Three pounds stopt from his wages on Account of said Gun And Praying Relief.

Mass.
Archives,
lxxviii., 774.
House Jour-
nal, pp. 248, 249.
Ante, p. 247,
chap. 89.

Read and

Ordered that the sum of three¹ pounds be allowed and paid out of the publick Treasury to Col^o Marcey for the Use of the Pet^r in full. [*Passed February 12.*]

CHAPTER 333.

ORDER ALLOWING £4 TO JOSEPH M^cCOWEN.

Legislative
Records of the
Council, xxiii.,
233. Mass.
Archives,
lxxviii., 670.

A PETITION of Joseph M^cCowen of Colerain Setting forth That being in the Service of the Province he was on the 20th of march last with his Wife and child taken captive by the Indians Enemy: that his Wife being unable to travel was killed by them and he and

¹ The House Journal, p. 249, reads, "Two pounds."

the child carried to Canada, where that still remains, but the Petitioner on an exchange of Prisoners returned home the last Fall in a poor State of Health, And Praying Relief.

Read and

Ordered that the Sum of four pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration for his services and sufferings within mentioned. [*Passed February 12.*]

Mass.
Archives,
lxxviii., 669.
House Journal,
pp. 227, 237.

CHAPTER 334.

ORDER GRANTING TO SARAH NEWHALL LICENCE TO KEEP AN INN.

A PETITION of Sarah Newhall of Malden Setting forth That her husband Daniel Newhall late of Malden deceased was in September last licensed to be an Innholder for the Year next ensuing in the House where he then dwelt. That she is appointed Executrix of the deceaseds last will, and has the Improvement of said House given her during Life. And Praying That she may be impowered to keep an house of Publick Entertainment during the Remainder of the Term.

Legislative
Records of the
Council, xxiii.,
234. Mass.
Archives, cxi.,
468.

Mass.
Archives, cxi.,
467. House
Journal, p. 254.

Read and

Ordered that the Prayer of this Petⁿ be so far granted as that the Pet^r be allowed to keep a Tavern in the House of her late Husband for and during the term He was licenced for Provided She first obtain the Approbation of the Select Men for that purpose. And Recognizes before two Justices of the Peace (Quorum Unus) according to Law, within fifteen Days from this time for her keeping good rule and order, and duely paying the Excise. [*Passed February 12.*]

CHAPTER 335.

RESOLVE IMPOWERING THE PROVINCE TREASURER TO PURCHASE A MESSUAGE AND LAND FOR A HOSPITAL IN BOSTON.

A PETITION of Joshua Henshaw Esq^r and Others Selectmen of the Town of Boston Setting forth That during the course of the present War great numbers of Soldiers have in the Fall of the Year returned hither Sick with the camp Fever which having proved infectious and very mortal, People who usually take in Lodgers have refused to take them in, and the Province Hospital being on an Island some distance from the Town makes it very difficult for the Physicians to visit them when the weather is Stormy, or to get necessaries to them, and has sometimes Occasioned the Death of the Sick This being the only Publick Hospital would render the Case still more difficult if the small Pox should be there at the same time. Therefore Praying that some further Provision may be made in case of Sickness.

Legislative
Records of the
Council, xxiii.,
234. Mass.
Archives,
lxxviii., 686.

Mass.
Archives,
lxxviii., 682.
House Journal,
pp. 215, 245,
246.

[Read &]

Resolv'd That HARRISON GRAY ESQ^r TREAS^r of this Province be and he hereby is Authoriz'd and Impowered for & on behalf of this Province to purchase a Messuage & two peices of Land Situated at the westerly part of the Town of Boston in the County of Suf-

folk One parcel whereof (on which s^d messuage stands) is bounded as follows viz^t Easterly on Grove Street there measuring ninety four feet, northerly on a Highway twenty feet wide, measuring on that side One hundred and eight feet, Southerly on land of m^r Peck, there measuring One hundred and Six feet, Westerly in the Rear on land late of James Dolbeare deceased, there measuring fifty Seven feet: And the Other parcel thereof is bounded and described as follows viz^t A peice or parcell of Land and flatts adjoining to the rear end of the land above described lotted and bounded, Southerly on Southack Street there measuring One hundred and forty five feet and from thence runing down to low water mark northerly on the Sea or Salt water there measuring seventy two feet, & easterly in part on land late of James Dolbeare dec^d & partly on land of m^r Peck & others there measuring One hundred & fifty five feet including the half part of the wharff thereto belonging And the said Harrison Gray Esq^r is hereby Impowered to pay for s^d messuage & two peices of Land the Sum of Eighty pounds and to take and accept from the Owner of the Premisses livery and seisin thereof together with a good & legal Deed of Conveyance to this Province in fee Simple: And the s^d Harrison Gray Esq^r is also hereby Authorized & Directed to Cause the said messuage to be repair'd and made Comfortable & fit for the reception of persons sick of Infectious Diseases provided that the Charge of said Repairs shall not exceed the sum of Twenty pounds; which two sums amounting in the whole to One hundred pounds shall be paid out of the public Treasury. [*Passed February 12.*]

CHAPTER 336.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxiii.,
237.

House Jour-
nal, p. 249.

Voted That all Matters now before the Court and have day at this Session shall have the same day at the next Setting of this Court. [*Passed February 12.*]

CHAPTER 337.

RESOLVE DIRECTING AARON WILLARD, URIAH TUCKER AND NATHAN- AEL WILLARD TO RETURN CERTAIN SUMS TO THE PROVINCE TREASURY.

Legislative
Records of the
Council, xxiii.,
238.

House Jour-
nal, pp. 166, 176,
254.

WHEREAS it Appears that Cap^t Aaron Willard who went out in the Expedition against Crown point and Canada in the Year 1758. a Lieutenant under Cap^t Caleb Willard and was made up as a Lieutenant in the Roll of the said Caleb Willard, and also the said Aaron made himself up as a Captain the same Campaign upon which two Rolls the said Aaron has received out of the Treasury the sum of Thirty seven pounds sixteen shillings and six pence over and above a Lieutenants Pay viz^t Twenty five pounds nine shillings and ten pence on the Roll he made himself up as a Captain and Twelve pounds six shillings and eight pence on the Roll of the said Caleb Willard.

And that Uriah Tucker who was made up an Ensign in Capt Billings's Roll was Also made up a Lieutenant on the said Aaron Willards Roll, upon which two Rolls the said Uriah Tucker received out of the Treasury the sum of Twenty three pounds ten shillings and three pence above an Ensigns Pay. And that Nathaniel Willard who was made up an Ensign in said Caleb Willards Roll was also made a Lieu^t on said Aaron Willards Roll, and has received out of the Treasury a Lieutenants Pay which amounts to Forty pounds ten shillings and seven pence which sum is Eight pounds seven pence over and above the pay of an Ensign.

Resolved that the said Aaron Willard Uriah Tucker and Nathaniel Willard replace the aforesaid sums in the Treasury so received by each of them. And that the Treasurer be directed to demand the same, and upon the refusal of either of the said Persons to prosecute him or them for the same to final Judgment. [*Passed February 13.*]

CHAPTER 338.

VOTE THAT NOTES ISSUED FOR BOUNTY MONEY BE DATED FEBRUARY 13, 1760.

Voted That the several Notes given by the Treasurer to those Persons who shall appear to lend the money upon the last Supply to pay the Bounty to those Soldiers who shall enlist in the intended Expedition against Canada shall bear date this present day. [*Passed February 13.*]

Legislative
Records of the
Council, xxiii.,
238.

House Jour-
nal, p. 258.
Province
Laws, iv., 349,
note. *Ante*,
p. 483, chap.
309.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE NINETEENTH DAY OF MARCH, A.D. 1760.

CHAPTER 339.

RESOLVE IMPOWERING THE INHABITANTS OF TAUNTON TO SELL LAND
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
248. Mass.
Archives,
lviii., 439.

Mass.
Archives,
lviii., 438.
House Jour-
nal, p. 269.

A PETITION of Samuel White Esq^r Representative of the Town of Taunton Setting forth That in the Year 1701 there was granted by the Proprietors of the old Township of Taunton One hundred Acres of Land within said Township for the use and benefit of a Free School in said Town, and the same was afterwards in the Year 1729. laid out and particularly bounded and described, which Land lyes on the outside of the Town and is still unimproved. And as the said Town apprehend it would be most for their benefit to have said Land sold, and the Interest of the money produced by said Sale applyed for the Support of a School, and as well answer the Intention of the Grant. Praying That they may be authorized to sell the same accordingly.

[Read &]

Resolv'd. That the Inhabitants of the Town of Taunton be & hereby are authorized & impowered to make sale of the Tract of Land in their Petition mentioned for the most the same will fetch. & the Committe Chosen by the said Town on the Third Day of March instant are hereby impowered in behalf of said Town to make and Execute a good & sufficient Deed or Deeds of the same the principal Sum arising by the said Sale to be Secured for the use of a Free school in s^d Town agreeable to the original intent of the Grant. and the interest only to be applyed for the support of such school. [*Passed March 22.*]

CHAPTER 340.

ORDER IMPOWERING MERCY ADAMS, GUARDIAN, TO SELL LAND, AND
MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
251.

House Jour-
nal, pp. 273, 274.
Province
Laws, li., 151,
chap. 10.

A PETITION of Mercy¹ Adams Guardian to her Grandson Samuel Adams a minor almost seven Years of Age. Setting forth That the Father of said Minor died in the Year 1756. and his mother before that time. That the Petitioner thô: very poor herself, took her said Grand child after the death of its Parents and has supported it out of her own Labour. That said minor hath about thirty Acres of unimproved Land of the value of about twenty four pounds, that the Account of her Guardianship as settled by the Judge of Pro-

¹ The House Journal, p. 273, reads, "*Mary.*"

bate for the County of Worcester amounts to Eighteen pounds ten shillings, And Praying That she may be impowered to sell the land beforementioned to discharge the said debt, and for supporting said minor 'till he is full Seven Years of age, at which time she hopes he may be put out to some good place, and the Overplus if any there be to¹ remain for his Use.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner in her capacity as Guardian (with the Assistance of Timothy Paine Esq^r) be impowered to make sale of the Land within mentioned for the most the same will fetch, due publication of the time and place of Sale agreeable to the Law empowering Executors and administrators to make Sale of Real Estates &c being first made, She giving sufficient caution to the Judge of Probate for the County of Worcester for applying the money arising by such Sale for the purposes mentioned, and the Overplus if any there be, to be secured for the use and benefit of the minor. [*Passed March 22.*]

CHAPTER 341.

VOTE IN REGARD TO THE LATE FIRE AND VOTE ALLOWING £3,000 TO THE SELECTMEN AND OVERSEERS OF THE TOWN OF BOSTON.

In The House Repret^d

The house Takeing Into Consideration That part of his Excellencys Speech respecting The Calamity Bro^t on The Town of Boston In the Late fire & it Appearing on the Best Information That Could In so Short a Time be Obtained That y^r was Consumed 174 Dwelling houses & Tenements & 175 Warehouses Shops & other Buildings with a great part of the furniture Besides Large Quantitys of Merchandize & the stock & Tools of many Trademen That the Loss upon a Moderate Computation Cannot be Less Then £100,000 Sterling & it further Appearing That The Number of familys Inhabiting the Aforementioned houses where at Least 220 Three Quarters of whom are by this Misfortune rendered Incapable of Subsist^s Themselves & a great Number of them are reduced To Extreem poverty & require Imediate Releif

Voted

That his Excell^{cy} the Gov^r Be desired To send Breifs Throught^t the province Strongly recommending The Unhappy Case of the Sufferers to y^r Inhabitants & Calling upon Them for a General Contribution To Be paid Into the hands of the selectmen & Overseers of the poor of the Town of Boston To be by them distributed as they In y^r discretion Shall Judge Proper

& Inasmuch as the Necessitys of Many demand a More Speedy Succour its further

Voted That y^r be Advanced & paid out of the Publick Treasury Into the Hands of the Selectmen & Overseers Aforesaid The sum of Three Thousand pounds out of the Money raised by Excise The year past the s^d selectmen & overseers To Lay An Acco^t of the Money raised by The publick Contribution before this Court & of y^t Distribution Thereof & of the sum rec^d out of the Publick Treasury.

In Council

Read and Concurred. [*Passed March 22.*]

¹ *Sic.*

Legislative
Records of the
Council, xxiii.,
253. Mass.
Archives,
lxxxvii., 80.

Legislative
Records of the
Council, xxiii.,
246, 252. House
Journal,
pp. 268, 272, 273.

CHAPTER 342.

ORDER ALLOWING £3 TO JOHN JOHNSON.

Legislative
Records of the
Council, xxiii.,
254. Mass.
Archives,
lxxix., 40.

Mass.
Archives,
lxxix., 40.
House Jour-
nal, pp. 270, 271.
Ante, p. 247,
chap. 89.

A PETITION of John Johnson of Rowley a Soldier in the Pay of the Province in 1759. Setting forth That he served up the River S^t Lawrence, and upon embarking when the Service was over, it being very bad Weather, his Gun (with divers others) was lost in the River, for which there is Three pounds stopped from his wages. And Praying Relief.

Read and

Ordered that the Sum of three pounds be allowed to be paid out of the publick Treasury to M^r Lancaster for the Use of the Pet^r in consideration of that Sum stop'd out of his Wages. [*Passed March 24.*]

CHAPTER 343.

ORDER ALLOWING 15/ TO W^m WHEELER.

Legislative
Records of the
Council, xxiii.,
254. Mass.
Archives,
lxxix., 45.

House Jour-
nal, pp. 266, 272.

A PETITION of William Wheeler of Stoughton Setting forth That he went out as a Trooper under Cap^t Vose in the Year 1757. for the Relief of Fort William Henry but was casually omitted in the Muster Roll. And Praying Relief.

Read and

Ordered that the sum of fifteen Shill^{es} be allowed to be paid out of the publick Treasury to the Pet^r in full. [*Passed March 24.*]

CHAPTER 344.

ORDER ALLOWING £3 TO FRANCIS SNOW.

Legislative
Records of the
Council, xxiii.,
255. Mass.
Archives,
lxxix., 41.

Mass.
Archives,
lxxix., 41.
House Jour-
nal, pp. 266, 270.
Ante, p. 247,
chap. 89; p. 491,
chap. 330.

A PETITION of Francis Snow Setting forth That he served as a Soldier in the Pay of the Province in Captain Walkers Company of Col^o Dotys Regiment in the Year 1758. and carried his own Gun, Notwithstanding which there is a Stoppage from his Wages for not returning a Gun into the Publick Stores. And Praying Relief.

Read and

Ordered that the sum of three pounds be allowed to be paid out of the publick Treasury to the Hon^{ble} Sam^l White Esq^r for the Use of the Pet^r in consideration of that Sum stop'd out of His Wages. [*Passed March 24.*]

CHAPTER 345.

ORDER ALLOWING £3 TO JOSHUA WYMAN.

Legislative
Records of the
Council, xxiii.,
255. Mass.
Archives,
lxxviii., 704.

A PETITION of Joshua Wyman of Wobourn Setting forth That one Amos Snow of said Wobourn inlisted as a Soldier in the Pay of the Province in the Year 1758. and being taken Sick was sent down to Albany to the Kings Hospital there and remained Sick

in said Hospital until the 14 may 1759 when the Petitioner at the request of the said Amos went to bring him home. And Praying an Allowance.

Read and

Ordered that the Sum of three pounds be allowed to be paid out of the publick Treasury to M^r James Fowle for the Use of the Pet^r in full. [*Passed March 24.*]

Mass.
Archives,
lxxviii., 703.
House Jour.
nal, p. 269.

CHAPTER 346.

ORDER ALLOWING £3 TO EB^r DAMON.

A PETITION of Ebenezer Damon of Reading Setting forth That in the Year 1758 his Servant Asa Buck went into the Service as a Soldier in Cap^t Jones's Company of Col^o Nichols's Regiment, that his said Servant returned his Gun, but his Cap^t being Dead, the Roll was made up by Cap^t Osgood, and a Stoppage made from his said Servants Wages on account of his Gun, as not returned. And Praying Relief.

Read and

Ordered that the Sum of three pounds be allowed to be paid out of the publick Treasury to M^r Temple for the Use of the Pet^r in consideration of that Sum stop'd out of his Wages. [*Passed March 24.*]

Legislative
Records of the
Council, xxiii.,
255. Mass.
Archives,
lxxix., 44.

Mass.
Archives,
lxxix., 44.
House Jour.
nal, pp. 267, 271.
Ante, p. 247,
chap. 89.

CHAPTER 347.

ORDER IMPOWERING JOHN MUIS AND FAMILY TO MOVE FROM METHUEN TO GLOUCESTER.

A PETITION of John muis one of the French Exiles from Nova Scotia and placed at methuen Setting forth That being always used to live on the Sea coast, he has not his health at methuen, nor can he earn his living there as he could at some Seaport Town. And Praying that he and his Family may be removed to Gloucester, where he shall want no other Provision to be made for them, than only an House to live in.

Read and

Ordered that the Pet^r have liberty to remove himself and Family from the Town of Methuen to the Town of Gloucester. But that He be Obliged to Subsist himself and Family after such removal without any Assistance from the Government. [*Passed March 24.*]

Legislative
Records of the
Council, xxiii.,
255. Mass.
Archives,
xxiv., 283.
House Jour.
nal, p. 275.

CHAPTER 348.

ORDER ALLOWING £5 TO ABN^r LOWDEN.

A PETITION of Abner Lowden of Duxborough Setting forth That he had an Indian Servant named John Peagan, who in the year 1758. went into his majestys Service in the Pay of this Province, took the small Pox at Albany, and after his Return home broke out with it;

Legislative
Records of the
Council, xxiii.,
258. Mass.
Archives,
xxxiii., 122.

Mass. Archives, xxxiii., 121. House Journal, pp. 242, 280.

that to prevent the Spreading of the distemper the Selectmen removed his said Servant to a seperate House, which Occasioned him great Expence And Praying an Allowance.

Read and
Ordered that the Sum of five pounds be allowed to be paid out of the publick Treasury to the Petitioner in full for the Expences within mentioned. [*Passed March 25.*]

CHAPTER 349.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative Records of the Council, xxiii., 259.

House Journal, p. 281. Love's Fast and Thanksgiving Days of New England, p. 499. *Ante*, p. 146, chap. 336.

WHEREAS the Court of General Sessions of the Peace and Inferiour Court of common Pleas are by Law appointed to be held at Plymouth in and for the County of Plymouth on the first Tuesday of April next, but by reason of the Publick Fast thro': this Government on the third day of April next, it will be inconvenient for the Justices of said Courts, the Grand Jury, Petit Jury and other Persons concerned at said Courts to attend the same.

Therefore
Ordered That the said Court of General Sessions of the Peace and Inferior Court of common Pleas which by Law are to be held at Plymouth aforesaid be and hereby are adjourned to the second Tuesday in April next to be held at the Court House in said Town of Plymouth at ten o'clock in the Forenoon of said day, and all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts Recognizances, and other thing and things whatsoever returnable or having day or days in the said Courts shall stand, abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good, effectual and available in Law to all intents and Purposes whatsoever, as if said Courts had been held and kept on the day by Law for holding the same, and no adjournment thereof had been made. [*Passed March 25.*]

CHAPTER 350.

VOTE CHOOSING COLLECTORS OF EXCISE ON SPIRITS OF ALL COUNTIES.

Legislative Records of the Council, xxiii., 260.

Legislative Records of the Council, xxiii., 259 *bis*, House Journal, pp. 282, 283.

THE VOTES of the two Houses were brought in for each County seperately, and upon Sorting and counting the same it appeared that the following Gentlemen were chosen. viz^t

For the County of Suffolk	Mr Thomas Fletcher
For the County of Essex	Daniel Epes jun ^r Esq ^r
For the County of Middlesex	Mr John Remington
For the County of Hampshire	Mr Gad Lyman
For the County of Worcester	Gardner Chandler Esq ^r
For the County of Plymouth	John cushing jun ^r Esq ^r
For the County of Barnstable	Mr Daniel Davis
For the County of Bristol	Mr Seth Williams jun ^r
For the County of York	Mr Daniel Clark
For Dukes County	John Norton Esq ^r
For the County of Nantucket	Mr Thomas Arthur

[*Passed March 25.*]

CHAPTER 351.

ORDER IMPOWERING MARY BROWN, ADM^x, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Brown of Waltham, Widow and Administratrix of the Estate of Isaac Brown late of said Waltham deceased Setting forth That the deceaseds personal Estate is not sufficient to pay his just debts. That he had lately purchased two small peices of Land in Waltham at a distance from his Homestead, the apprized value whereof being £124.13.4 would near about answer the debts and usual Allowances. And as the Superior Court for the County of Middlesex, to which by Law she ought to apply for leave to sell the same, is at a distance. Praying that this Court would enable her to make sale of said two peices of Land for the purposes above-mentioned.

Read and

Ordered That the Prayer of the petition be granted, and that the Petitioner in her Capacity of Administratrix of the Estate of Isaac Brown late of Waltham deceased, be impowered to make sale of the two peices of land mentioned in said Petition and to make and execute a good and Sufficient Deed or Deeds of the same, She observing the Rules of the Law for the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of middlesex to apply the proceeds of said Sale to the payment of the debts of the said deceased, and to Account for the Overplus, (if any there be) according to Law. [*Passed March 26.*]

Legislative
Records of the
Council, xxiii.,
261.

House Jour-
nal, p. 286.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 352.

ORDER IMPOWERING NATT HATCH, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

A PETITION of Mary Hatch Widow, Relict of Estes Hatch Esq^r late of Roxbury deceased Nathaniel Hatch and Sarah Hatch Setting forth That the said Estes Hatch by his last Will constituted the said nathaniel Executor thereof, and among other things Ordered that after payment of Debts and Legacies his Wife the said mary Hatch should beside her Dower be handsomely maintained out of his Estate: And the Residue of his Estate Subject as aforesaid, he gave to his three Children Nathaniel Hatch, Estes Hatch, and Sarah Hatch, in certain proportions. That the personal Estate is insufficient to pay the Testators Debts and that the said nathaniel Executor, hath obtained leave of the Superiour Court to sell of the Real Estate to the Amount of One Thousand Pounds, that there still remains of said Estate at the appraised Value the Amount of Two thousand and thirty pounds, chiefly in Lands that bring in no yearly profit: that selling the same in parcells for the maintenance of the said Mary as needed, will be very prejudicial to the Children, and be attended with great Charge And Praying that the said Executor may be impowered to sell the whole, he to be accountable.

Read and in Answer to this Petition

Ordered That the Prayer thereof be granted, and that the Peti-

Legislative
Records of the
Council, xxiii.,
251, 262.

House Jour-
nal, pp. 273, 286.
Province
Laws, ii., 151,
chap. 10.

tioner in his said Capacity be and he hereby is fully impowered to make sale of the whole of the whole' of the said Real Estate for the most that may be, and to give a good and sufficient Deed or Deeds for the same, first giving notice thereof agreeable to Law for the sale of Real Estates by Executors and Adminors Also giving Sufficient Security to the Judge of the Probate of Wills &c within the County of Suffolk that the proceeds of said Sale may be applied Agreeable to the purposes in said Will mentioned. [*Passed March 26.*]

CHAPTER 353.

ORDER ALLOWING £3.6 TO BEN: BATES.

Legislative
Records of the
Council, xxiii.,
262. Mass.
Archives,
lxxix., 43.

House Jour-
nal, p. 280.

A PETITION of Benjamin Bates of Hanover Setting forth That he inlisted as a Soldier in the pay of the Province on the 10th of april 1758. under major House, that on the 20th of may following he was turned over to Cap^t Keens Company, and that he was made up in the muster Roll, only from the time last mentioned. and Praying an Allowance for the time he was made up short as aforesaid and for his billeting,

Read and

Ordered that the Sum of three pounds Six Shillings be allowed to be paid out of the publick Treasury to Maj^r Stockbridge for the Use of the Pet^r in full. [*Passed March 26.*]

CHAPTER 354.

ORDER ALLOWING £3 TO SOLOMON BATES.

Legislative
Records of the
Council, xxiii.,
263.

Mass.
Archives,
lxxix., 67.
House Jour-
nal, p. 287.
Ante, p. 247,
chap. 89.

A PETITION of Solomon Bates of Hanover, a Soldier in Cap^t Keens Company Praying an allowance of Three pounds stopped out of his wages on account of a Gun when in fact he had returned it.

Read and

Ordered That the sum of Three pounds be allowed to be paid out of the Publick Treasury to major Stockbridge for the Use of the Petitioner in full. [*Passed March 26.*]

CHAPTER 355.

VOTE IMPOWERING BEN. LOTHROP AND RUTH HIS WIFE, ADM^s, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
263.

House Jour-
nal, p. 284.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Benjamin Lothrop of Kingston in the County of Plymouth and Ruth his wife Administratrix of the Estate of her late Husband William Putnam late of Boston deceased Setting forth That the said deceased died seized of a Dwelling House in Boston near Olivers Dock which has been lately consumed by Fire, that the Lot whereon it stood is capable of no Improvement but for build-

ing that the deceaseds Children are young and not in circumstances to build And Praying that they may be impowered to sell the said Lot for the benefit of the heirs,

[Read and]

Voted That the Petitioners in their capacity as Administrators be and they hereby are impowered to make Sale of the lot of Land within mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds of the same to the Purchaser or Purchasers, their heirs and Assignes: they observing the Law of this Province respecting the Sale of Real Estates by Executors and Administrators and giving Sufficient caution to the Judge of Probate for the County of Suffolk that the money arising by said Sale shall be put to Interest on good Security until the Children arrive at age, one third part of the Interest to be for the use of the said Ruth during her natural Life, and the other two thirds for the use of the heirs, And they to receive each one his part thereof as they respectively arrive at age, and the other third part after the decease of the said Ruth to be likewise distributed according to Law. [*Passed March 26.*]

CHAPTER 356.

ORDER IMPOWERING ROBERT DAVIS, ADM^r, TO SELL REAL ESTATE.

A PETITION of Robert Davis of Barnstable sole Administrator of the Estate of Jabez Linnel late of Barnstable Blacksmith deceased. Setting forth That the said deceaseds personal Estate is insufficient to pay his debts by the sum of £20.7.8 And Praying that he may have liberty to dispose of the Real Estate to the Amount of said sum for that purpose.

Read and

Ordered That the Prayer of this Petition be granted, and the Petitioner is hereby impowered in his said Capacity of Administrator to make sale of so much of the Real Estate of the said deceased where it will be least prejudicial to the whole, as that the proceeds thereof shall amount to the sum of Twenty pounds seven shillings and eight pence, and the necessary charges arising by such sale and to Execute a good Deed or Deeds for conveying the same Agreeable to Law, he observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Barnstable to be accountable for his proceedings herein. [*Passed March 26.*]

Legislative
Records of the
Council, xxiii.,
263.

House Jour-
nal, p. 283.
Province
Laws, II., 151,
chap. 10.

CHAPTER 357.

ORDER IMPOWERING N. SHURTLEFF TO SELL REAL ESTATE.

A PETITION of Nathanael Shurtleff of Plymouth Setting forth That his Wife has for seven or eight Years past been bereaved of the use of her Understanding, by means whereof he is so reduced that he has been Obligated to sell the most of his Estate for the support of his Family, That his said Wife was owner of some Real Estate before marriage, which is now gone to decay for want of fencing and the Petitioner is unable to fence the same; that the

Legislative
Records of the
Council, xxiii.,
264.

House Jour-
nal, pp. 270, 283,
284.

said Lands are worth about One hundred and twenty pounds. And Praying that he may be impowered to sell the same for the Support of himself his Wife and Children.

Read and

Ordered That the Petitioner be and he hereby is impowered to make Sale of the Real Estate within mentioned, and to make & execute a good Deed or Deeds of the same, which Deeds¹ or Deeds when Executed shall be sufficient to convey the Title as fully as though the same was Executed by the Petitioners Wife with him. [*Passed March 26.*]

CHAPTER 358.

VOTE IMPOWERING P. ATHERTON, ADM^r, AND DAN^l (DAVID) WILDER, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
264.

House Jour-
nal, pp. 280, 284,
285. Province
Laws, ii., 151,
chap. 10.

A PETITION of Peter Atherton Esq^r Administrator of the Estate of Robert Holland late of Harvard deceased, and Daniel Wilder Guardian to John Willard of Harvard aged about 80 Years, a person non compos mentis. Setting forth That on the 16th of October 1752. the said John Willard and Ann his Wife conveyed unto the said Robert Holland the whole of his Real Estate lying in Harvard: in consideration whereof the said Robert Holland Obligated himself in the sum of £266.13, conditioned to maintain the said John and Ann Willard and his Sister Mary White during their Lives and decently bury them after their deaths, That the said John Willard and Robert Holland at the same time entered into another written Agreement that the aforesaid Deed and bond should be in the keeping of the Rev^d M^r John Secombe of Harvard, and that the said Robert was not to have the Deed delivered to him until the death of the said John. That the said Robert on the 22^d April 1755. died Intestate, and Insolvent, that the said Deed & bond were on the 5th Instant lodged in the Probate Office for the County of Worcester: that by the Death of the said Robert it is impossible the condition of said bond should be fulfilled; that the said John Willard and Mary White are in poor circumstances (Ann Willard being Dead) And Praying that they may be impowered to make sale of the Estate thus conveyed to discharge the condition of the Bond aforesaid, and the Surplus if any there be after the Deaths of the said John Willard and mary White to belong to the Estate of the said Robert Holland.

[Read &]

Voted That the Petitioners the said Peter Atherton and David Wilder in their respective capacities be and they hereby are impowered to make Sale of the Lands &c within mentioned conveyed by the said John Willard and his wife to the said Robert Holland deceased, and to execute a good Deed or Deeds in the Law for conveying the same, they observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Worcester to apply the proceeds of said Sale for the payment of the Charges of supporting the said John Willard and his Sister Mary White hitherto, and for their further support Agreeable to the condition of the Bond within mentioned; and that if upon the

¹ *Sic.*

Death of the said John and mary there should be a Surplusage, that the same belong to the Estate of the said Robert Holland deceased. [*Passed March 26.*]

CHAPTER 359.

VOTE IMPOWERING SAM^L WALDO, ESQ^R, AND OTHERS, ADM^{RS}, TO CARRY ON LAW SUITS.

A PETITION of Samuel Waldo Esq^r and others Administrators of the Estate of Brigadier Samuel Waldo Esq^r deceased Intestate, Setting forth That the said Intestate died about twenty days before the Setting of his Majestys Superior Court of Judicature in the County of York. That the said Intestate had at the time of his death divers Suits of great consequence pending at the s^d Superior Court. That no Administration on the said Intestates Estate was granted 'till after the Setting of the said Superior Court at York in June last. That the said Superior Court did Admit of an Entry of the Causes aforesaid by the aforesaid Samuel as one of the heirs of the said Intestate, and they were then continued until the next Superior Court to be held there in June next. That it is a doubt whether the said Superior Court can legally proceed to a trial of the said Causes under the circumstances aforesaid, and that it would be very grievous to the Petitioners, should it be over ruled otherwise. Therefore praying that the said Superior Court may be impowered to try the Causes aforesaid at their next Sitting in the County of York in June next, and that regular and due Entries thereof be made in the names of the Memorialists the Administrators, or that they may be otherwise relieved.

[Read and]

Voted That the Prayer of this Petition be granted, and that the Justices of the Superior Court at their next term in the County of York be and hereby are impowered and directed to admit the Petitioners in their capacity as Administrators of the Estate of the late Brigadier Samuel Waldo deceased as Parties in all the Suits mentioned and referred unto in the Petition, in lieu of Samuel Waldo Esq^r who was admitted as Heir to said Estate, and thereupon to proceed to trial or determination of such Actions in the same manner as by Law they would and might have done in case said Admin^{or} had been duly authorized to act in that respect and had been properly admitted at the last term, and to enter up Judgment and award Execution thereon accordingly. [*Passed March 26.*]

Legislative
Records of the
Council, xxiii.,
265.

House Jour-
nal, pp. 265, 280,
281.

CHAPTER 360.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF CÆSAR ESON AND MARY HIS WIFE IN REGARD TO THEIR TITLE TO LAND.

A PETITION of Cæsar Eson and Mercy¹ Eson, Free Negroes of Middleborough Setting forth That Richard Gundaway Father of the said Mercy now deceased settled about thirty Years ago Among

Legislative
Records of the
Council, xxiii.,
267.

¹ The House Journal, p. 285, reads, "*Cæsar Eaton and Mary his Wife.*"

House Jour-
nal, p. 285.
Province
Laws, xli., 8,
chap. 3.

the Indians at Titecut, who gave him about ninety acres of land in the most remot part of their Settlement which with great labour he in a great measure Subdued, 'till at length one Stephen David a strange Indian came among them, and by the help of Elkanah Leonard Esq^r pretended to make a title to part of said land, and said Elkanah purchasing some Lands of said Stephen David pretended that said Land was included in his purchase. That said Richard Gundaway is now dead, and said Elkanah being Non compos, his Guardians have ejected the said Cæsar & Mercy from the Premises, which may prove their Ruin. And Praying Relief.

Read and

Ordered That Josiah Edson jun^r Esq^r be desired to inquire into the Facts mentioned in this Petition, and report thereon to this Court as soon as may be. [*Passed March 26.*]

CHAPTER 361.

ORDER ALLOWING £8 TO MARY GRINMON.

Legislative
Records of the
Council, xxiii.,
268. Mass.
Archives,
lxxix., 42.

Mass.
Archives,
lxxix., 42.
House Jour-
nal, pp. 283, 287.

A PETITION of Mary Grinmon of Swanzev in the County of Bristol Widow Setting forth That in the Year 1757 the Petitioners Husband and son inlisted in Col^o Fries Regiment. That her husband was killed at Fort William Henry, and her son taken Prisoner at length carried to Cape Breton, where he had the small pox, and from thence to Halifax and so to Boston, and Praying an allowance of his Expence, and for his Sufferings.

Read and

Ordered that the sum of eight pounds be allowed to be paid out of the publick Treasury to M^r Bowen for the Use of the Pet^r in full consideration for the sufferings of her Son within named. [*Passed March 26.*]

CHAPTER 362.

VOTE DESIRING THE GOVERNOR TO WRITE TO GEN^L AMHERST IN REGARD TO SOLDIERS DETAINED IN NOVA SCOTIA.

Legislative
Records of the
Council, xxiii.,
268. Mass.
Archives,
lxxix., 65.

House Jour-
nal, pp. 286, 287.

WHEREAS a Number of the Troops belonging to this Province are now in his Majesties Service Att Louisburge and Nova Scotia, Under the Command of the Coll^s Bagley Fry & Thomas, and have been Detain^d in Said Service beyond the time Limited by their Several Enlistments, Therefore

Voted That his Excellency the Govern^r be Desired to write to General Amherst praying that Such of Said Troops, as Shall not Enlist in the Ensueing Campain may not only be Discharg^d Said Service but that Speedy provision be made for their Return to their Respective homes. [*Passed March 26.*]

CHAPTER 363.

VOTE ON PETITION OF SAM^L STRATTON IN REGARD TO A GRIST MILL.

A PETITION of Samuel Stratton of Natick Miller. Setting forth That in 1729. an Order passed this Court that John Gleason and Henry Lealand be allowed to erect a Mill upon Indian Brook alias Steep Brook in said Natick, and receive the profits accordingly Saving that the Indians Corn shall be received and ground Toll free for the space of thirty Years next after the Run of said Mill: Provided the Meadows therein mentioned be overflowed from the 1st of October to the 10th of April and no longer That said Gleason and Lealand died soon after the aforesaid Order and the mill was not erected till about twelve years ago. That of late some doubts have arisen whether said Mill should not be demolished at the end of thirty years from said Order, and whether the Overflowing of the meadows was intended for one year only, or to continue Yearly as long as the Mill. and Praying an Explanation of said order.

Legislative
Records of the
Council, xxiii.,
268. Mass.
Archives, lix.,
461.

Mass.
Archives, lix.,
458, 462, 471.
House Jour-
nal, pp. 159, 287.
Province
Laws, xi., 425,
chap. 46.

In the House of Representatives

The House taking into Consideration the Petition of Samuel Stratton of Natick, and the Votes of the Gen^l Court Relative to the Matters therein Contained, It appears that it was not the Intent of the Court, that the Priveledge to Build the Mill mentioned in S^d Petition, should be Discontinued & the Same be Demolished at the End of thirty years from the Grant of S^d Priveledge But that the Miller should Grind for the Indians thirty years Toll free, and that the Overflowing mentioned in S^d Petition & the former Votes of the Court, Is to be understood yearly

Therefore

Voted That the Petitioner his heirs & Assigns Shall & May hold & Enjoy the S^d Mill and the Priveledges Relative thereto heretofore Granted by this Court so long as they maintain a Good mill in that Place, Provided they Grind for the Indians Toll-free for the Term of thirty years from the time of the first Building of s^d Mill

In Council

Read and Concurred. [*Passed March 26.*]

CHAPTER 364.

ORDER IMPOWERING WILL^M SPURR, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Spurr of Dorchester Adminor of the Estate of John Glover late of Milton deceased Intestate Setting forth That the said deceaseds Estate is represented insolvent. That as this is the season for tilling and improving Lands for the year, and the Superior Court for the County of Suffolk will not sit 'till the latter end of Summer, it will be a great damage to the Estate unless he can obtain leave of this Court to make Sale of the deceaseds Real Estate And Praying that he may have leave to sell the same accordingly for the Payment of the deceaseds debts.

Legislative
Records of the
Council, xxiii.,
269.

House Jour-
nal, pp. 283, 287.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Prayer of this petition be granted, and that the said William Spurr in his Capacity of Administrator as afore-said be impowered to sell the Real Estate of the said John Glover deceased, he observing the Law respecting the sale of Real Estates and giving caution to the Judge of Probate for the County of Suffolk, that the produce of said Sale (so far as it will go) be applied to the Payment of the debts of the deceased with charges of sale. [*Passed March 26.*]

CHAPTER 365.

VOTE DESIRING THE GOVERNOR TO ORDER THE PROVINCE SHIP KING GEORGE TO GO TO GREAT BRITAIN.

Legislative
Records of the
Council, xxiii.,
270. Mass.
Archives,
lxvi., 52.

Legislative
Records of the
Council, xxiii.,
246, 260. House
Journal, p. 280.

Voted that His Excellency the Gov^r be desired to Order the Ship King George to proceed to Great Britain there to receive on board the late Parliamentary Grant to this Province or any other Sums belonging to this Province, and return with the same to Boston as soon as may be.

And that His Excellency the Governour if He thinks proper be accomodated with a Passage to Great Britain in said Ship. [*Passed March 26.*]

CHAPTER 366.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF ARCH^d LAWS IN BANKRUPTCY AND EXEMPTING HIM FROM ARREST AND ATTACHMENT.

Legislative
Records of the
Council, xxiii.,
250, 270.

House Jour-
nal, pp. 273, 288,
289. Province
Laws, iv., 445,
note, *Ante*,
p. 456, chap.
235.

A PETITION of Archibald Laws Setting forth That on the 11th June 1759 he became Bankrupt within the meaning of the Act of this Province Providing Remedy for Bankrupts and their creditors, that a commission was issued against him and Commissioners appointed, and likewise an Assignee, to whom he has delivered up all his Effects, and had obtained the consent of the major part of his creditors in number and value as said Act directed but that before his affairs were compleated, his majestys Disallowance of said Act was received whereby he is Subject to arrests, although he hath thus stripped himself of his Effects And Praying Relief.

Read and Accepted. And

Ordered That the consideration of this Petition be referred to the second Wednesday of the next may Session: and that in the meantime the Petitioner and his Estate in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared Bankrupt, and all Proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Assignees be likewise stayed. [*Passed March 26.*]

CHAPTER 367.

RESOLVE REFERRING WITH STAY OF PROCEEDINGS ON DIVERS PETITIONS IN BANKRUPTCY WITH EXEMPTION FROM ARREST AND ATTACHMENT.

WHEREAS there were Sundry Petitions from Persons against whom Commissions of Bankruptcy had been issued, the consideration was referred to this day

Resolved That the consideration of the several Petitions aforesaid be further referred to the second Wednesday of the next May Session And that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts, and all Proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed. [*Passed March 26.*]

Legislative Records of the Council, xxiii., 270.

House Journal, pp. 288, 289. Province Laws, iv., 445, note. *Ante*, pp. 424, 425, 449, 451, 456, chaps. 160, 161, 162, 218, 223, 235. *Supra*, chap. 366.

CHAPTER 368.

ORDER IMPOWERING EB^r NICHOLS, GUARDIAN, TO INVEST PROCEEDS FROM SALE OF REAL ESTATE IN CERTAIN LANDS.

A PETITION of Ebenezer Nichols of Reading Setting forth That in December 1757 He petitioned this Court for liberty to make sale of certain Buildings and land thereto Adjoining belonging to his Grand children Ebenezer Nichols and Susanna Nichols to whom he is Guardian and vest the produce in other Lands mentioned, the prayer of which petition was then granted, but the affair not yet compleated. That the Petitioner has since sold his own Farm and purchased a place near Reading Meeting house, and having no Male heir but the Grandson abovementioned he is very desirous that their Interest should lye contiguous to his own, and Praying That he may have liberty to vest the same accordingly.

Read and

Ordered That the Prayer of the Petition be granted, and that the Petitioner be allowed to vest the proceeds of the sale of certain Lands and Buildings in the Petition mentioned belonging to his Grand children Ebenezer and Susanna Nichols in other Lands near Reading Meeting house, instead of vesting the same in the Lands mentioned in the former order of this Court, and under the same Regulations. [*Passed March 27.*]

Legislative Records of the Council, xxiii., 261.

House Journal, p. 290. *Ante*, p. 86, chap. 194.

CHAPTER 369.

ORDER ALLOWING £8 TO ISAAC LITTLE.

A PETITION of Isaac Little, Setting forth That he being a Servant to Aaron Guild of Dedham and a Soldier in the Pay of this Province in Col^o Nichols's Regiment was taken Prisoner by the Indians on the 20th day of July from whom he made his Escape

Legislative Records of the Council, xxiii., 271. Mass. Archives, lxxviii., 697.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is March 26.

Mass.
Archives,
lxxviii., 697.
House Jour-
nal, pp. 253, 289.

to Quebeck where he was kept in Prison three months, and was afterwards sent to England and from thence to New York where he arrived in may following And Praying an Allowance.

Read and

Ordered that the sum of Eight pounds be allowed to be paid out of the publick Treasury to M^r Ellis for the Use of the Pet^r in full for his Sufferings within mentioned. [*Passed March 27.*]

CHAPTER 370.

ORDER ALLOWING 40/ TO AARON GUILD.

Legislative
Records of the
Council, xxiii.,
272. Mass.
Archives,
lxxviii., 761.

A PETITION of Aaron Guild of Dedham Setting forth That he was a Soldier in the Pay of the Province in the year 1758. and that upon his return home after the Troops were dismissed he was taken ill on the Road and lay a month under the Docters hands That he had a Servant one Isaac Little also in the Service who was taken Prisoner and then lost his Gun. And Praying an Allowance.

Read and

Ordered that the Sum of forty Shillings be allowed to be paid out of the publick Treasury to M^r Ellis for the Use of the Pet^r in full. [*Passed March 27.*]

Mass.
Archives,
lxxviii., 761.
House Jour-
nal, pp. 253, 289.
Ante, p. 89,
chap. 193.
Supra, chap.
369.

CHAPTER 371.

ORDER ALLOWING £3 TO THO^s FRENCH.

Legislative
Records of the
Council, xxiii.,
272.
House Jour-
nal, p. 291.

A PETITION of Thomas French of Braintree Setting forth That he had a Servant one Abel Thayer in the Publick Service in Col^o Joseph Williams Regiment in 1758, who was at the taking of Fort Frontenac, and on his return taken Sick at the Great Carrying Place, which put him to expence for his transportation home. And Praying an Allowance.

Read and

Ordered That the sum of Three pounds be allowed to be paid out of the Publick Treasury to M^r Miles for the use of the Petitioner in full. [*Passed March 27.*]

CHAPTER 372.

ORDER ALLOWING £347. 17. 4 TO ISAAC GRIDLEY, JR., COMMISSARY.

Legislative
Records of the
Council, xxiii.,
272. Mass.
Archives,
lxxix., 62.

A PETITION of Isaac Gridley Jun^r a Commissary employed by this Government in the Expedition against Crown point in the year 1756. Setting forth That he hath faithfully discharged the Trust reposed in him, and in all respects complied with the Rules and Orders prescribed by the Government that he hath advanced his own Stock to supply the Troops and long since rendered his Accounts, but a delay has attended the settlement of his Ac-

Mass.
Archives,
lxxix., 59.
House Jour-
nal, pp. 244, 285,

counts, while the other Commissaries have received their respective ballances and Praying that his case may be considered, as he is willing to subject his Affairs to the strictest Scrutiny

[Read and]

Voted that the Sum of three hundred forty Seven pounds seventeen Shillings and four pence be allowed to be paid out of the public Treasury to the Petitioner for His Services and Expences when employed as Commissary by this Government in the Expedition against Crown Point in the Year 1756. [*Passed March 27.*]

288. Province
Laws, xv., 687,
chap. 396.

CHAPTER 373.

VOTE DESIRING THE GOVERNOR TO GIVE ORDERS IN REGARD TO PROVIDING BAYONETS.

Legislative
Records of the
Council, xxiii.,
273.

Voted That his Excellency be desired to give orders to the Officers of the Militia of the Province that such Captains as have not yet supplied the men of their respective Companies with Bayonets agreeable to the Law of this Province do not provide such for their Companies 'till further Order. [*Passed March 27.*]

House Jour-
nal, p. 292.
Province
Laws, iv., 53,
chap. 18.

CHAPTER 374.

VOTE IMPOWERING ABNER TURNER AND SETH SMITH, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abner Turner and Seth Smith, Guardians to the Children of John Turner late of Sturbridge deceased Setting forth That the said Children being only two Daughters of about nine Years of age and under have an Inheritance in Reversion situate in Sturbridge aforesaid consisting of an House and about sixty Acres of land having but small Improvements upon it, and would rent for nothing considerable. And Praying that they may have liberty to sell the same and the produce thereof to put out at Interest for the benefit of said Children.

Legislative
Records of the
Council, xxiii.,
273.

House Jour-
nal, pp. 285, 292.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Voted That the Prayer of the Petition be granted and that the Petitioners in their Capacity be, and they hereby are empowered to make Sale of the Land within mentioned to such Person or Persons as shall give most for the same, they observing the directions of the Law respecting the Sale of Real Estates by Executors and administrators, and before such Sale giving Security to the Judge of Probate for the County of Worcester, that the Money arising by such Sale be put on Interest for the use of said minors. [*Passed March 28.*]

CHAPTER 375.

VOTE IMPOWERING HANNAH BALL, ADM^x, TO SELL LANDS AND MILLS.

Legislative
Records of the
Council, xxiii.,
274.

House Jour-
nal, pp. 290, 292.
Province
Laws, II., 151,
chap. 10.

A PETITION of Hannah Ball of Brookfield Administratrix of the Estate of her late Husband Thomas Ball of Brookfield deceased Setting forth That the deceaseds Debts exceed the Amount of his personal Estate. That he died seized of about sixty acres of land in Brookfield with a Grist Mill and saw mill thereon about a mile and half distant from his Homestead Appraised at One hundred and fifty two pounds. And Praying she may have leave to sell the same in order to discharge the debts and bring up her younger Children

[Read and]

Voted That the Prayer of the Petition be granted and that the Petitioner in her capacity be and she hereby is impowered to make Sale of the Lands and Mills within mentioned to such Person or Persons as shall give most for the same, She observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators, and before such sale giving Sufficient caution to the Judge of Probate &c for the County of Worcester to account for the Produce of said Sale according to Law. [*Passed March 28.*]

CHAPTER 376.

RESOLVE ESTABLISHING PAY AND SUBSISTENCE FOR GARRISONS ON THE EASTERN FRONTIERS.

Legislative
Records of the
Council, xxiii.,
274. Mass.
Archives,
lxxix., 74.

House Jour-
nal, pp. 293, 294.
Ante, p. 328,
chap. 284;
p. 370, chap. 8;
p. 405, chap.
100.

In the House of Representatives

The House entred into the Consideration of the State of the Eastern Frontiers, and thereupon the following Establishments were made, Viz^t

Resolved, That Pay and Subsistance be granted for one Captain, two Lientenants, one Chaplain, four Sergeants, four Corporals, one Armourer, one Drummer and seventy Privates at Fort Pownall at Penobscot and the several Out-Posts depending thereon.

That there be Pay and Subsistance for one Captain, one Lieutenant, three Sergeants, three Corporals, one Armourer, one Drummer, a Chaplain and thirty Privates at Fort Hallifax, and that the Captain General be desired to give Order, that a constant Scout be maintained from Fort Pownall to Fort Hallifax.

That at the Store-House at Cushnoe, there be one Lieutenant and twelve Privates.

That at the Truck-House on S^t George's River there be one Sergeant and twelve Privates.

That at Burton's Garrison on George's River there be one Sergeant and five Privates.

That at Henderson's Garrison on S^t George's River there be one Sergeant and five Privates.

And that there be posted at Broad Bay for the Protection of the Inhabitants there, and the Coasters while there with their Vessels, one Sergeant and ten Privates.

And, That there be Pay and Subsistance granted for one Lieu-

tenant, two Sergeants and two Corporals and for ten Privates at Lebanon Ten at Phillips-Town and ten at Narraganset Number One; which the Captain General is desired to employ as a constant Scout from Lebanon to Narraganset Number One.

And, That there be also Pay and Subsistance granted to one Lieutenant, two Sergeants and two Corporals; and likewise for ten Privates at Pearson and Hobb's Town; and ten Privates at New-Glocester; and ten Privates at Pownall Borough; and ten Privates at Madummock; which the Captain General is desired to employ as a constant Scout from Pearson and Hobbs Town to St Georges.

And, That the Pay and Subsistance of the Officers and Soldiers be the same as for the Forts, and Garrisons and Scouting Parties the last year. and that the Establishment for the Forts and Garrisons continue to the twentieth Day of June next: and that the Scouting Parties be inlisted on or before the tenth Day of April next; and continue to the twentieth Day of June aforesaid.

And, That there be Pay and Subsistance granted for one Sergeant and six Privates at Saco Truck-House.

And whereas the Garrison of Fort Frederick at Pemaquid, has been dismissed by His Excellency the Governour, and there remains there a number of Cannon and other Warlike Stores:

That His Excellency be desired to order as many men as are necessary to take Care of the same to be posted there out of the other Forts and Garrisons on the Eastern Frontier, from which they can be best spared.

In Council Read & Concurred. [*Passed March 28.*]

CHAPTER 377.

ORDER ALLOWING £3 TO JON^A BABBIT.

A PETITION of Jonathan Babbit of Berkley Setting forth That his apprentice Abel Babbit went into his majestys Service Westward in 1758, and when dismissed, returned his Gun, notwithstanding which there is Three pounds deducted from his wages for said Gun as not returned. And Praying Relief.

Read and

Ordered that the sum of three pounds be allowed to be paid out of the publick Treasury to the Pet^r in full. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
275. Mass.
Archives,
lxxix., 39.

Mass.
Archives,
lxxix., 39.
House Jour-
nal, p. 293.
Ante, p. 247,
chap. 89.

CHAPTER 378.

ORDER IMPOWERING SETH DWIGHT, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Seth Dwight of Medfield in the County of Suffolk Setting forth That he is appointed Guardian to Catherine Gregory a minor who is afflicted with the Kings Evil. That said minor is possessed of about forty four acres of Land in medway lying back from the Road, And Praying that he may have liberty to make Sale of said Land for the Benefit of the minor.

Legislative
Records of the
Council, xxiii.,
276.

House Jour-
nal, pp. 290, 291.
Province
Laws, li., 151,
chap. 10.

Read and

Ordered That the Prayer of the within petition be granted: and that the Petitioner be, and hereby is in his said capacity impowered to make sale of the Lands within mentioned for the most the same will fetch, and to make and execute a good Deed or deeds of the same, he observing the direction of the Law relating to the sale of Estates by Executors or Administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk That the proceeds arising by said Sale be put out on Interest for the benefit of the said minor. [*Passed March 28.*]

CHAPTER 379.

VOTE FOR THE PAYMENT OF THE CHARGES OF THE KINGS HOSPITAL FOR CARE OF SICK SOLDIERS.

Legislative
Records of the
Council, xxiii.,
276.

House Jour-
nal, p. 295.

Voted That the several sums demanded by the Officers of the Kings Hospitals for nursing &c the Soldiers belonging to this Province in said Hospitals during the last Campaign be paid to Timothy Ruggles Esq^r in order to discharge said demands. [*Passed March 28.*]

CHAPTER 380.

VOTE IMPOWERING THE TWO PRECINCTS IN REHOBOTH TO SELL MINISTERIAL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
276. Mass.
Archives, xiv.,
152.

Mass.
Archives, xiv.,
151. House
Journal,
pp. 288, 295.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Daniel Carpenter and others, Committee of the first and second Precinct in Rehoboth Setting forth That the Lands originally designed for the use of the ministry in said Town containing about 470 Acres were laid out in distinct Lots in the several Divisions of Lands in said Town and that few of them be commodious for the ministers Improvement, and but little improvement has been yet made or is like to be made by them for the future as the Lands lye and Praying that they may be impowered to sell such part of said Lands as they shall Judge best, and vest the Produce thereof in other Real Estate.

[Read and]

Voted that the Prayer of this Petⁿ be granted. And that the within mentioned two Precincts by their Committees which they shall hereafter appoint for that purpose be and they hereby are impowered to make Sale of the within mentioned lands As the said Precincts shall Judge most for their advantage. And to execute a Good Deed or Deeds according to Law for the Same. They first observing the Directions of the Law for the Sale of real Estates by Exec^{rs} and Adm^{rs}.

The proceeds of said Sale to be laid out for the purchasing other real Estate which shall be appropriated for the same Use as the Lands which by this Order are allowed to be Sold, were. [*Passed March 28.*]

CHAPTER 381.

VOTE IMPOWERING DANIEL THURSTON, EXECUTOR, AND AMARIAH FROST AND JOHN HAVEN, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Thurston of Wrentham, only surviving Executor of the last will of the Rev^d M^r Elias Haven, late of Wrentham deceased, and of Amariah Frost and John Haven Guardian of the Children of the said deceased Setting forth That the eldest of said Children is under fifteen years of age That the deceaseds Real Estate rents only for Three pounds four shillings p Annum, and that the Buildings and Fences thereon are much gone to decay. And Praying that they may have liberty to make Sale of said Estate which they apprehend will greatly serve the heirs.

[Read and]

Voted that The Petitioners in their Respective Capacities be and they hereby are Impowered to make Sale of the Lands within mentioned for the most the same will fetch and to Execute a good Deed or Deeds in the Law for conveying the same they observing the Directions of the Law relating to the sale of Real Estate by Executors & adm^{rs} and giving Sufficient Caution to the Judge of Probate for the County of Suffolk that the money arising by said Sale be Equally divided between the said minors agreeable to y^e will & put out on Interest for y^e use of said minors. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
277. Mass.
Archives, xiv.,
126.

Mass.
Archives, xiv.,
125. House
Journal,
pp. 176, 288.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 382.

VOTE EXTENDING THE TIME FOR ENLISTING.

Voted That the time for enlisting the Levies ordered by this Court for the ensuing Campaign be lengthned out to the 15th day of April next, and including said day. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
278.

House Jour-
nal, p. 297.
Ante, p. 489,
chap. 324.

CHAPTER 383.

VOTE IMPOWERING CAP^t RICHARDSON TO DEMAND AND RECEIVE POSSESSION OF 1,500 ACRES OF LAND.

Voted That Cap^t Richardson be Directed & impowered in behalf of this Government To Demand & receive from Timothy Mossman the possession of the 1,500 Acres of Land. formerly granted to Thomas Plaisted on Certain Conditions. which were not fulfilled by the s^d Plaisted & since Leased by said Richardson in behalf of the Governm^t to s^d Mossman and that the s^d Richardson be also Directed & impowered to Lease the same for one year to Such person & upon Such Terms as he shall think proper. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
278. Mass.
Archives,
xvi., 441.

House Jour-
nal, pp. 116, 117,
131, 143, 144, 296.
Province
Laws, xii., 285,
chap. 56.
Ante, p. 428,
chap. 168.

CHAPTER 384.

VOTE IMPOWERING MERCY PORTER, ADM^x, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
280.

House Jour-
nal, pp. 295, 297,
298. Province
Laws, ii., 151,
chap. 10.

A PETITION of Mercy Porter of Weymouth Widow and Administratrix of the Estate of her late Husband Thomas Porter of said Weymouth deceased Intestate Setting forth That the deceaseds personal Estate is not Sufficient to pay his just debts, that it will be a damage to the Estate for her to stay until the Superior Court sits in August next, to make application to said Court for leave to sell a part of the Real Estate for that purpose. And Praying that this Court would empower her to sell so much of the deceaseds Real Estate as shall be sufficient to pay his just debts.

Read and

Voted That the Petitioner in her capacity of Administratrix be and hereby is empowered to make sale of so much of the abovenamed deceaseds Real Estate as shall be sufficient to pay his just debts and the charges arising by said Sale She observing the Law of the Province respecting the Sale of Real Estates agreeable to Law. and giving caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale be applied to the payment of the just debts of the deceased. [*Passed March 28.*]

CHAPTER 385.

ORDER ALLOWING £3. 13. 2 TO ASA KEEN.

Legislative
Records of the
Council, xxiii.,
280. Mass.
Archives,
lxxix., 38.

Mass.
Archives,
lxxix., 38.
House Jour-
nal, pp. 292, 293.

A PETITION of Asa Keen of Pembroke, a Soldier in the Pay of the Province in Cap^t Keens Company of Col^o Dotys Regiment in 1758. Setting forth That in the month of October he returned home upon Furlough and being Sick was at expence in obtaining help to get home and procuring necessities afterwards And Praying Relief.

Read and

Ordered that the Sum of three pounds thirteen Shillings and two pence be allowed to be paid out of the publick Treasury to M^r Turner for the Use of the Petitioner in full. [*Passed March 28.*]

CHAPTER 386.

VOTE ALLOWING £20. 2 TO CAPT. W^m LYMAN.

Legislative
Records of the
Council, xxiii.,
281.

House Jour-
nal, p. 279.
Province
Laws, iv., 215,
chap. 32.

A PETITION of William Lyman captain of a military Company in Northampton of Col^o Israel Williams Regiment Setting forth That he received a Warrant from his said Colonel dated 19: march 1759 requiring him to raise by inlistment ten able bodied men for his majestys Service as the Quota of said Company, or their full proportion of the number of men granted by the Province for that years Campaign. That he accordingly inlisted said men within the

limited time, and presented them to his Colonel to be mustered and receive the Province Bounty, but said Colonel refused three of said men, as being too young and under size, although they were all upwards of sixteen years of Age and as robust as those of that age usually are; whereupon he was obliged to raise three men in their stead, to whom he engaged £56.19.4 expecting to receive of his Colonel Twenty pounds two shillings, the Province, Bounty, in part of said sum, but that said Colonel apprehended he could not justify the paying of said Bounty, which leaves a very heavy burthen on the Company. And Praying Relief.

[Read and]

Voted That the Prayer of the Petition be granted, and that there be allowed and paid out of the Publick Treasury the sum of Twenty pounds two shillings to be paid to Col^o Timothy Dwight, and by him to Cap^t William Lyman the Petitioner for the use of those Persons of his Company that contributed toward the raising of the Soldiers mentioned in the Petition. [*Passed March 28.*]

CHAPTER 387.

ORDER ALLOWING £1. 13. 4 TO JOS: BOYDEN.

A PETITION of Joseph Boyden of medfield a Soldier in the Pay of the Province the last Summer Setting forth That in crossing a River near N^o Four upon his return home, he narrowly escaped drowning, and lost his Gun And Praying an Allowance.

Read and

Ordered that the Sum of One pound thirteen Shillings and four pence be allowed and paid out of the publick Treasury to the Pet^r in full for the Loss of his Gun within mentioned. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
282. Mass.
Archives, "
lxxix., 6.

House Jour-
nal, pp. 285, 298.

CHAPTER 388.

ORDER IMPOWERING MARY ROGERS, ADM^r, TO SELL REAL ESTATE.

A PETITION of mary Rogers Widow and Administratrix of her late Husbands Estate, Daniel Rogers late of Concord deceased Setting forth That the deceaseds personal Estate is not Sufficient to pay his just debts. And Praying leave to sell his Real Estate consisting of a small House and about three Acres of Land in concord in order to discharge said debts.

Read and

Ordered That that ¹ the Petitioner be and hereby she is empowered in her Capacity as Administratrix to make Sale of the Real Estate of the deceased, she Observing the Law respecting the Sale of Real Estates, and to Execute a good Deed or Deeds for conveying the same, she first giving Sufficient caution to the Judge of Probate for the County of Middlesex to account for the money arising by said Sale. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
282.

House Jour-
nal, pp. 295, 298.
Province
Laws, ii., 151,
chap. 10.

¹ Sic.

CHAPTER 389.

ORDER ALLOWING £2. 18 TO CALEB BENJAMIN.

Legislative
Records of the
Council, xxiii.,
283. Mass.
Archives,
lxxix., 70.

House Jour-
nal, p. 298.

A PETITION of Caleb Benjamin Praying an Allowance for bringing Abel Benjamin a Sick Soldier home from Half moon to Hardwich in 1758,

Read and

Ordered that the Sum of two pounds eighteen Shillings be allowed and paid out of the publick Treasury to Cap^t Sam^l Robinson for the Use of the Pet^r in full. [*Passed March 28.*]

CHAPTER 390.

ORDER ALLOWING £1. 16 TO W^m SCOTT.

Legislative
Records of the
Council, xxiii.,
283. Mass.
Archives,
lxxix., 36.

House Jour-
nal, pp. 295, 298.

A PETITION of William Scott of Sunderland Setting forth that his son Ebenezer Scott who served the last campaign as a Soldier under Cap^t Selah Bernard was dismissed as an Invalid on the 17 October, that on his return continued sick at Fort Massachusetts until the 14th day of November and then died: but that he is made up in the Roll to the 17: day of October only. And Praying Relief.

Read and

Ordered that the sum of One pound Sixteen Shillings be allowed and paid out of the publick Treasury to M^r Fellows Billing for the Use of the Pet^r in full for his Wages mentioned. [*Passed March 28.*]

CHAPTER 391.

VOTE IMPOWERING LOIS HOLMES, GUARDIAN, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
283.

House Jour-
nal, pp. 288, 295.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Lois Holmes Guardian to the minor Children of John Holmes late of Plymouth deceased Setting forth That the said John Holmes left six children some of them small, that there is a small Tract of land left them in the Estate of their Grand father Elisha Holmes late of said Plymouth deceased consisting about sixteen or eighteen Acres lying in a remote part of the Town, and about one half of it unimproved. That the Children who are of Age are desirous of selling their shares, and as the Tract is too small to be divided, Praying she may be enabled to sell the minors Interest therein.

[Read and]

Voted That the Prayer of the Petition be granted and that the Petitioner Lois Holmes in her capacity be and she hereby is impowered to join with the other heirs that are of Age to make sale of the Land within mentioned to such Person or Persons as shall give most for the same, she observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and before

such Sale giving security to the Judge of Probate for the County of Plymouth that the money arising by such Sale that shall belong to said Minors be put out on Interest for their use. [*Passed March 28.*]

CHAPTER 392.

ORDER DIRECTING THE COLLECTORS OF THE PROVINCE TAX IN BOSTON NOT TO DISTRAIN FOR NONPAYMENT OF THE SAME.

Ordered that the several Collectors in the Town of Boston for the province Tax the year past be directed not to Distrein for the sums due from any of the persons whose Dwellings were Consumed in the late Terrible Fire & such others as have lost all or most of their substance by S^d fire Until the next Sitting of this Court And in the mean time the Selectmen of Boston be directed to make an Estimate of the Losses sustained by S^d persons as near as may be and lay the same before the Court at that time. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
284. Mass.
Archives,
lxxxvii., 82.

House Jour-
nal, pp. 280, 296.
Province
Laws, iv., 337,
note.

CHAPTER 393.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE REPORT ON THE PETITION OF THE INHABITANTS OF SOUTH SIDE OF CAMBRIDGE TO BE ANNEXED TO FIRST PARISH THEREIN.

THE COMMITTEE appointed to take into consideration the Petitions of the Inhabitants of the South Part of Cambridge, the answers of the Town of Cambridge, of the Town of Charlestown, and of the Inhabitants of Charlestown adjoining to Cambridge and usually attending the Publick Worship there have fully considered the said Petitions and Answers and make this Report.

Legislative
Records of the
Council, xxiii.,
279.

Legislative
Records of the
Council, xxiii.,
49. House
Journal, p. 270
(March, 1759);
pp. 52, 300.
Ante, p. 340,
chap. 316.

It appears to the committee that the very great difficulties which attend the Petitioners make it necessary that they should be separated from the First Parish in Cambridge, and in asmuch as the said Petitioners are not Sufficient for a Parish the committee are of Opinion that they the said Petitioners together with all other the Inhabitants and all the Lands in said Town of Cambridge lying and being to the South of Charles River be erected into a District and separate Precinct or Parish with all the privileges and Immunities which Precincts or Parishes by Law do or may enjoy. And inasmuch as the first Parish in Cambridge will by this means be much weakned, and the Inhabitants of Charlestown aforesaid lye convenient to be annexed to said Parish, the committee are of Opinion that the said Inhabitants and their Estates be annexed to said Parish accordingly, and that a committee be appointed by this Court to determine and ascertain a proper Line or Boundary between the said Parish and the Town of Charlestown accordingly.

The Committee are further of Opinion that the Inhabitants aforesaid on the South side of Charles River be declared to be exempt and freed from all and every part of the Charge of building the new meeting house in Cambridge excepting only such sums as they or any of them have voluntarily contributed or subscribed for that purpose. All which is submitted in the name of the Committee.

T: HUTCHINSON.

Read and

Ordered That the consideration of this Report be referred to the first Friday of the next Session, and that the Committee be directed to repair to Charlestown and view the Lands which they have proposed should be annexed to the first Parish in Cambridge, and to ascertain the Boundary Line proposed. And that all Proceedings with regard to the levying any Taxes on the Inhabitants of Cambridge on the South side of Charles River be stayed in the mean time. [*Passed March 29.*¹

CHAPTER 394.

ORDER ALLOWING £4. 7 TO WM STROWBRIDGE.

Legislative
Records of the
Council, xxiii.,
284. Mass.
Archives,
lxxix., 77.

House Jour-
nal, pp. 271, 301.

A PETITION of William Strowbridge of Middleborough Setting forth That his Apprentice Job Pierce returned from his majestys Service in the year 1758. infected with the small pox, and brought the same into his Family whereby he lost his Wife and Child, and was put to great Expence And Praying Relief.

Read and

Ordered that the sum of four pounds seven shillings be allowed and paid out of the publick Treasury to the Pet^r in full for his Charges and Sufferings mentioned. [*Passed March 29.*

CHAPTER 395.

ORDER ALLOWING £2 TO SAM^L PHELPS.

Legislative
Records of the
Council, xxiii.,
285. Mass.
Archives,
lxxix., 20.

Mass.
Archives,
lxxix., 19.
House Jour-
nal, p. 300.

A PETITION of Samuel Phelps of Northampton, a Soldier in Cap^t Selah Barnards Company the last campaign Setting forth That being sick he was sent as an Invalid to Albany on the first of September, and that his Captain supposing that he was then dismissed made him up in the Roll accordingly, but that he did not get home till the 24th of October; and then at an extraordinary expence by reason of his Sickness. And Praying an Allowance.

Read and

Ordered that the [Sum²] of two pounds be allowed and paid out of the publick Treasury to the Petitioner in full for his Wages and Charges mentioned. [*Passed March 29.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is March 28.

² Inserted from Legislative Records of the Council, xxiii., 285.

CHAPTER 396.

ORDER IMPOWERING JN^O CHANDLER, ESQ^R, ADM^R, TO SELL LANDS AND
MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Chandler Esq^r Administrator of the Estate of Daniel Campbell late of Rutland deceased Setting forth That the deceaseds personal Estate is not sufficient to pay his just debts. That he died seized of about sixty Acres of land with a small House and Barn thereon in a ruinous condition, all of the value of about forty or fifty pounds. That it would really be of service to the heirs to have said Estate sold. And Praying that he may have liberty to sell the same accordingly.

Legislative
Records of the
Council, xxiii.,
285.

House Jour-
nal, p. 304.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner be empowered to make sale of the Land within mentioned for the most the same will fetch, observing the Rules prescribed by Law enabling Executors and Administrators to make sale of Real Estates, he giving caution to the Secretary of the Province to account for the money arising by such Sale, so that after the just debts and charges are paid, the Surplusage shall be and remain for the use of the heirs of the deceased or their Order with intervening Interest. [*Passed March 29.*]

CHAPTER 397.

VOTE IN REGARD TO TAXES ON QUAKERS.

WHEREAS there is Added to the last Province Tax Act for the County of Bristol the sum of £1,389.13.4 Said to be drawn out of the Province Treasury to hire men in Lieu of Quakers for the late Expedition agst Canada & it Appears to this Court that no more than the Sum of £497.6.4 was actually paid by the Treasurer, Therefore

Legislative
Records of the
Council, xlii.,
286. Mass.
Archives, xiv.,
185.

Mass.
Archives, xiv.,
184-187. House
Journal,
pp. 239, 240, 253,
254, 299, 300.
Province
Laws, iv., 260,
chap. 2; 337,
note. *Ante*,
p. 491, chap.
339.

Voted, that £661.13.4 pence be allowed & paid out of the Province Treasury to the Select men of the Respective Towns following
Viz^t

Dartmouth	.	.	.	.	.	.	.	.	.	£555.	0.	8
Taunton	.	.	.	.	.	.	.	.	.	8.	18.	4
Swansey	.	.	.	.	.	.	.	.	.	80.	5.	0
Freetown	.	.	.	.	.	.	.	.	.	17.	10.	0
										£661.	13.	0

and the sums hereby granted be abated to the Several Persons in the Respective Towns that have been Assessed as the Select men or assessors shall think proper and that the Residuary Sum of Two Hundred thirty pounds fourteen shillings be appropriated to the uses following Viz' Twenty Eight Pounds for satisfying a Demand which Cap^t Eben^r Willis of Dartmouth hath agst the Quakers for having hired men into the Publick Service in their Sted & that y^e Sum of £202.14.0 Rest in the Treasury for the further orders of the Governm^t being the Sum S^d Quakers stand Chargable with for having fell Short of their proper Quotas of men Raised for the Service An. Dom 1759. [*Passed March 29.*]

CHAPTER 398.

VOTE ESTABLISHING GARRISONS FOR PROTECTION OF WESTERN FRONTIERS.

Legislative
Records of the
Council, xxiii.,
286.

House Jour-
nal, p. 302.

Voted That the following Establishment be made for the Protection of the Western Frontiers and to be continued to the 20th of June next viz^t

At West Hoosuck	one Sergeant and eight Privates	
At East Hoosuck	one Sergeant and five Privates	
At Charlemont	{ Hawks's, Five Privates Rices Five ditto Taylors Five ditto }	One Sergeant for the whole
At Colerain	One Sergeant, twelve Privates	
At Fall Town	{ Burks Four Privates Sheldens Four ditto }	one Sergeant for the whole

and that the Captain General be desired to give order that said men be employed in scouting and guarding, as shall be most for the Protection of that Frontier, and that there be one Lieutenant to command the whole. [*Passed March 29.*]

CHAPTER 399.

VOTE ACCEPTING REPORT OF COMMITTEE ON RECEPTION OF GOV^R BERNARD AND APPOINTING A COMMITTEE TO MEET AND ESCORT HIM TO BOSTON.

Legislative
Records of the
Council, xxiii.,
287. Mass.
Archives, 1,
129.

Mass.
Archives, 1,
128. Legisla-
tive Records of
the Council,
xxiii., 246, 270.
House Jour-
nal, pp. 282, 302,
303.

THE COMMITTEE appointed to take under consideration that Paragraph in his Excellencys Speech relative to the Appointment of Governor Bernard to the Government of this Province &c reported as follows viz^t

That upon Advice of the Governors Arrival within the Limits of this Government, that then the Secretary of this Province seasonably repair thither and wait upon him to Boston: and that the Commander in chief for the time being be desired to give Orders to the Colonel of the Troop of Guards to send a Detachment therefrom to repair thither also, and the whole Troop ten miles to escort him to Boston.

That the Commander in Chief for the time being be desired to give Orders to the Colonel of the Boston Regiment that they appear in Arms on said Occasion that there be a Committee of both Houses appointed to receive and congratulate the Governor at the Council Chamber that a dinner be provided for the Governor that his majestys Council and such members of the House as shall be then present, the Field Officers of the Regiment of Boston, the Field Officers of the Guards, the Treasurer of the Province, the Sheriff of the County of Suffolk, the Chaplain of both Houses, and such of the Governors Company as he shall please to invite be desired to dine with him, and that Tickets be delivered accordingly.

In Council Read & Accepted

In the House of Rep^{ves}

Read and Concur'd and further

Voted That M^r Speaker Co^l Cotton M^r Tyng M^r Flucker M^r Pratt M^r Tyler M^r Russell M^r Higginson and M^r Boardman with such as

the Hon^{ble} Board shall appoint be a Comm^{ee} to recieve and Congratulate the Governour at the Council Chamber

In Council Read and Concurred and John Osborne Jacob Wendell, Samuel Danforth Samuel Watts Stephen Sewall, Thomas Hancock Thomas Hubbard William Brattle and James Bowdoin Esq^{rs} are joined in the Affair. [*Passed March 29.*]

CHAPTER 400.

ORDER IMPOWERING MARG^t POLLARD, EXECUTRIX, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Margaret Pollard of Boston Setting forth That her late husband Benjamin Pollard Esq^r died seized in fee of a small peice of land in Boston bounded Westerly by Queen street with the priviledge of a Brick wall of M^r Thomas Waites adjoining, if the said Benjamin his heirs or Assigns should incline to build against the same, and subject to the said Thomas Wait his heirs and Assigne's Priviledge of the Well and Water in the Premisses and of passing and repassing to and from said Well, and through a passage way leading into Belknaps Alley at all seasonable times, they paying a proportionable part of the charge of repairing said Well Pump &c and of an old House upon the Premises That the Youngest child of her said Husband is but two years and an half Old, that a little before his death he had bargained and Agreed to sell the Premisses, that soon after the Houses being in a ruinous condition fell down, and the Land itself will bring in but little. And Praying that she may have leave to sell the same for the use and benefit of herself and Children Agreeable to her said Husbands Will.

Read and

Ordered That the Petitioner in her capacity as Executrix be and she hereby is impowered to sell the Peice of land and its Appurtenances with the Priviledges in this Petition particularly mentioned for the most the same will sell for and give a good and sufficient Deed or Deeds in the Law for the same. She observing the directions of the Law respecting the Sale of Real Estates and first giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale be duly applied agreeable to the Will of the said deceased. [*Passed March 29.*]

CHAPTER 401.

VOTE IMPOWERING THOMAS DAWES, JOSIAH WATERS AND JACOB THAYER, GUARDIANS, TO SELL MINORS SHARES OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Dawes, Josiah Waters and Jacob Thayer all of Boston Setting forth That in the Year 1750 Thomas Dawes of said Boston died and by his last Will devised his whole Estate after the death of his Wife to his eight Children to be equally divided Among them. And Praying that they may be impowered as

Legislative
Records of the
Council, xxiii.,
288.

House Jour-
nal, p. 296.
Province
Laws, ii., 151,
chap. 10.

Legislative
Records of the
Council, xxiii.,
288.

House Jour-
nal, pp. 300, 301.
Province

Laws, ii., 151,
chap. 10.

Guardians to sell for the use and benefit of their Wards viz^t Thomas Dawes as Guardian to his two Sisters Mary and Susanna, Josiah Waters Guardian to Sarah moody; and Jacob Thayer Guardian to his two Children Mary and Jacob, the several shares that were apportioned and set off to them at the death of said Sarah amounting to twelve pounds lawfull money each share, and the only parts that now remain unsold, the other shares being already disposed of.

[Read and]

Voted That the Petitioners in their capacitys mentioned be, and they hereby are Authorized and impowered to make Sale of the several shares of said minors in the Estate aforesaid and as mentioned in this Petition for the most they will fetch, and to make and Execute good and sufficient Deed or Deeds of the same to the Purchaser or Purchasers their heirs and Assignes, they observing the directions of the Law with regard to the sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probates for the County of Suffolk that the pr[o]duce Arising by said sale be applied for the use of the said minors. [*Passed March 29.*]

CHAPTER 402.

VOTE AND RESOLVE ESTABLISHING PAY OF OFFICERS THAT MAY BE EMPLOYED IN THE PROPOSED CANADA EXPEDITION; ALSO VOTE TO FURNISH MEDICINE CHESTS TO SURGEONS OF EACH REGIMENT AND VOTE DIRECTING SURGEONS TO RETURN SAID CHESTS, &c, NOT USED.

Voted, and

Resolved, that the following Establishment be made for the following Officers, hereafter mentioned, that may be employed in the ensuing Campaign, Viz^t

For one Chirurgeon for each Regiment Ten Pounds per Month.

For two Chirurgeon's Mates to D^o to Each five Pounds six Shillings and eight Pence per Ditto.

One Chaplain to each Regiment, if a settled minister, Ten Pounds per Ditto.

For a Minister not settled, eight Pounds per D^o

One Quarter-Master for each Regiment that goes Westward, five Pounds per Ditto.

For a Brigade Major, Ten Pounds per Ditto.

The Pay of the several Officers before mentioned to commence from this Day.

Also.

Voted, That the Commissary General be directed to furnish the Chirurgeon of each Regiment with a Chest of Medicines, not exceeding the Value of One Hundred Pounds.

Also,

Voted, That those Chirurgeons who shall be employed in the Expedition now forming be directed, to return into the Commissary-General's Store at the End of the Campaign, the Chirurgeon's Chest, medicines and Instruments, which may be left and not used for the army; and that they do the same before they receive their Wages out of the Treasury. [*Passed March 29.*]

Legislative
Records of the
Council, xxiii.,
290. Mass.
Archives,
lxxix., 78.

House Jour-
nal, pp. 303, 304.
Ante, p. 460,
chap. 245.

CHAPTER 403.

ORDER ALLOWING £150 TO THO^s HUBBARD, ESQ^r.

A MEMORIAL of Thomas Hubbard Esq^r Commissary General Setting forth his extraordinary Services in transacting divers matters distinct from the business of his Office in particular the providing Supplies of every kind for the Troops raised by the Province the last Years Campaign to the amount of Twenty thousand pounds; a business formerly transacted by a Committee of War, and which hath put him to great expence especially for Clerks, to the near Amount of the Grant already made him, And Praying an allowance,

Read and

Ordered that the sum of One hundred and fifty pounds be allowed and paid out of the publick Treasury to the Commissary Gen^l for his extraordinary Services done in his office for the Year past. [*Passed March 29.*]

Legislative
Records of the
Council, xxiii.,
291. Mass.
Archives,
lxxix., 37.

House Jour-
nal, pp. 281, 301.
Province
Laws, xv., 747,
chap. 543.

CHAPTER 404.

ORDER ALLOWING £60 TO JN^o PHILLIPS.

A MEMORIAL of M^r John Phillips Chaplain of Castle William Setting forth That he has acted constantly at said Castle, as Barrack master for more than three Years past.

That he had the care of Shirleys and Pepperrells Regiments in 1756. and of One hundred drafts for nova Scotia quartered at said Castle in 1758: also of four hundred rangers. 300 Highlanders, 1,000 Royal Americans and 140 Provincials the same year, Also of 500, Sick men of General Amhersts Troops, 2,000, Provincials, 200 Rangers from Quebeck, many of whom were Sick, and of many Deserters and Refractory Men who were placed there under his care, besides many other Duties and Services performed by him, And Praying an allowance.

Read and

Ordered that the sum of Sixty pounds be allowed and paid to the Pet^r out of the publick Treasury for his Care and Trouble above mentioned. [*Passed March 29.*]

Legislative
Records of the
Council, xxiii.,
291. Mass.
Archives, xiv.,
180.

Mass.
Archives, xiv.,
179. House
Journal,
pp. 281, 301.
Province
Laws, xv., 676,
chap. 377.
Ante, p. 126,
chap. 282;
p. 277, chap.
170.

CHAPTER 405.

ORDER ALLOWING £20 TO W^m BAKER.

A PETITION of William Baker, Doorkeeper to his Excellency the Governor and the two Houses Setting forth That he hath been Obligated for divers Years past to procure Assistance at his own expence in order to give that attendance which is necessary in his place. And that he hath been a great Sufferer by the late Fire. And Praying an allowance.

Read and

Legislative
Records of the
Council, xxiii.,
292.

House Jour-
nal, pp. 290, 301.

Ordered That the sum of Twenty pounds be allowed and paid out of the Publick Treasury to the Petitioner in consideration of his extraordinary Services only. [*Passed March 29.*]

CHAPTER 406.

ORDER IN REGARD TO MUSTER ROLLS OF CAPT. ISAAC WYMAN, SETH HUDSON AND LIEUT. GAD CHAPIN.

Legislative
Records of the
Council, xxiii.,
292.

House Jour-
nal, pp. 279, 304.

IN THE HOUSE OF REPRESENTATIVES. The House being informed that one Roll has been made up by Cap^t Isaac Wyman for billeting the Troops at West Hoosuck the Year past, and another by Seth Hudson for a considerable part of the same time.

Ordered That the said Wyman and Hudson attend the House of Representatives on the second Friday of the next may Session, and that the Treasurer be directed. not to make any further payments on said Rolls or the Roll of Lieutenant Gad Chapin in the mean time.

In Council Read and Concurred. [*Passed March 29.*]

CHAPTER 407.

ORDER ALLOWING £8 TO ABNER KEYS.

Legislative
Records of the
Council, xxiii.,
292. Mass.
Archives,
lxxix., 34.

Mass.
Archives,
lxxix., 32.
House Jour-
nal, pp. 297, 302.

A PETITION of Abner Keys of Chelmsford Setting forth That he was a Soldier in the pay of the Province in 1758, in Captain Fletchers Company of Col^o Nichols's Regiment, and was on the 20th day of July taken Prisoner and sent to Canada and from thence to England, from whence he came to New York on the 4th of may last. And Praying an allowance.

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to the Pet^r in full for his Loss of time and Sufferings. [*Passed March 29.*]

CHAPTER 408.

ORDER ALLOWING £45. 7. 1 TO ANTH^o THOMAS.

Legislative
Records of the
Council, xxiii.,
292. Mass.
Archives,
lxxxvii., 76.

Mass.
Archives,
lxxxvii., 75, 77.
House Jour-
nal, pp. 290, 304,
305. *Ante,*

A PETITION of Anthony Thomas of marshfield Setting forth That he kept a store in Boston near Olivers Dock and that in the Fire which happened there in november or December last, he had among other things Forty five pounds four shillings and one penny in Treasurers notes consumed by said Fire and Praying that he may receive the like sum in Other Notes out of the Treasury.

Read and

Ordered that the Sum of forty five pounds seven ¹ Shillings and

¹ The House Journal, p. 305, reads, "*four.*"

One penny be allowed out of the publick Treasury to the Pet^r in Notes payable AD 1763 in consideration of his Loss mentioned.¹ [Passed March 29.]

p. 497, chap. 341.

CHAPTER 409.

VOTE CONFIRMING A TAX ON LANDS IN THE DISTRICT OF SPENCER.

A PETITION of William Parkman Clerk of the Proprietors of the Westerly part of Leicester now the District of Spencer Praying that said District may be impowered to appoint a committee that shall be vested with the same power as Assessors by Law are vested with, in order to have certain arrearages of Taxes heretofore granted for the support of a minister collected, and that a Tax granted in June last may be confirmed as more particularly entered the 30th of January last, with the Vote of Council thereon.²

Legislative Records of the Council, xxlii., 297.

Legislative Records of the Council, xxlii., 192. House Journal, pp. 202, 294. Province Laws, ii., 941, chap. 6.

In the House of Representatives Read and Concurred the petition being first revived.

In Council Read and Concurred. [Passed April 17.]

CHAPTER 410.

VOTE IMPOWERING ELIZABETH MINOT & JAMES BARRET, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth minot of Concord Widow, and James Barrett of said Concord Executors of the last Will and Testament of James minot late of concord Esq^r deceased Setting forth That the personal Estate of the deceased is not sufficient to pay his just debts by the sum of £280.7.9¾ and Praying that they may be impowered to make Sale of a certain Dwelling House with the Appurtenances in Boston. And Also of several parcells of meadow, Pasture land, Upland and Woodland in Concord aforesaid, to be applied to the payment of said Debts,

Legislative Records of the Council, xxlii., 298.

House Journal, p. 310. Province Laws, ii., 151, chap. 10.

[Read and]

Voted That the Prayer of the Petition be granted and that the Petitioners in their capacity be, and hereby are impowered to make Sale of the Dwelling House and Lands mentioned in said Petition for the most the same will fetch and to execute in due form of Law a Deed or Deeds to such Person or Persons as shall purchase the

¹ Adjourned to April 16. See Legislative Records of the Council, xxlii., 293.

² The vote referred to is as follows:—

“*Voted* That the Prayer of this Petition be so far granted as that the Vote of the said Proprietors passed at a legal meeting at Boston the 14th day of June last subjecting the said Proprietors Lands in Spencer to a Tax of three farthings lawfull money $\frac{1}{4}$ Acre for the term of three years next for the support of the Rev^d Mr Joshua Eaton their minister be ratified and confirmed. And that the said Proprietors be authorized and impowered at a legal meeting of the said Proprietors to be warned and assembled to make choice of a Committee of three or five Persons to be invested with full Power of Assessors to assess the said Proprietors lands accordingly. And also to make choice of a Collector or Collectors to collect the same: as also to collect the remainder of any sum or sums of any other Assessment mentioned in the said petition, they the said Assessors and collectors when chosen observing the directions of the Law, in all things relating to the Sale of Lands in new Townships and to be accountable for the money they shall receive by virtue of the said Assessments. &c. Provided that nothing in this Order shall be understood to exempt the Inhabitants of said District from paying to the said minister the full of his usual Salary in like manner as if this Order had not passed.”—Legislative Records of the Council, xxv., 192.

same, observing the directions of the Law for the sale of Real Estates, they giving sufficient caution to the Judge of Probate for the County of middlesex that the money arising by said sale shall be applied to the Payment of the said deceaseds just debts, and the Overplus if any there be remain to the use of Ephraim minot a minor the son of the Testator. [*Passed April 18.*]

CHAPTER 411.

ORDER GRANTING TO CUSHING KILBY LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiii.,
299. Mass.
Archives, cxi.,
472.

Mass.
Archives, cxi.,
471. House
Journal, p. 310.

A PETITION of Cushing Kilby of Hingham Setting forth That he hath lately purchased the Dwelling House of William Stetson Innholder deceased which House hath been for fourteen or fifteen Years past improved as a Tavern. And Praying That he may obtain a License for carrying on the same Business in said House.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Suffolk be allowed (if they See cause) to grant the Pet^r a Licence to keep Tavern the remaining part of the Year He first obtaining the approbation of the select men of Hingham for that business the time for granting Licences being elapsed notwithstanding. [*Passed April 18.*]

CHAPTER 412.

ORDER ALLOWING SUNDRY AMOUNTS FOR WAGES AND BILLETING TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
299. Mass.
Archives,
lxxviii., 481.

Mass.
Archives,
lxxviii., 480.
House Jour-
nal, pp. 311, 312.

A PETITION of Abner Eldridge and Others Setting forth That on the 10th of July last they were Impressed into his majestys service and billeted themselves for three Weeks before they had orders to march, and were then sent to Georges Fort from whence they returned home the 24th of December following. And Praying that they may be allowed for their billeting, and that their Pay may be made equal to the Pay of other Soldiers in the Province Service.

Read, and in Answer to this Petition,

Ordered, That there be paid out of the publick Treasury

To Abner Eldridge, ...	{ Wages £0. 18. 10
	{ Billeting 0. 14. 0
To George Barrs	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Jonathan Godfrey	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Daniel Hawes Jun ^r	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Thomas Harding	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Henry Wilson	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Archelaus Smith	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Caleb Nickerson	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0
To Jethro Higgins	{ Wages 1. 11. 8
	{ Billeting 0. 14. 0

19. 18. 2

[*Passed April 18.*]

CHAPTER 413.

VOTE IMPOWERING ISAAC LANE, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Isaac Lane and Sarah Lane of Hingham Setting forth That her former husband Benjamin Hatch of Pembroke deceased, died Seized of five Acres and an half of Pasture Land in marshfield, which lyes so incompassed with other Lands that it cannot be improved but by Sufferance, that said land hath yeilded no profit for four Years past and that the said Benjamin in his life time had bargained for the same, but died before the Sale was completed. That the said Isaac hath been lately appointed Guardian to the deceaseds three Children. And Praying that he may be empowered to make sale of said Land for the benefit of the Concerned.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the within named Isaac in his said Capacity be Authorized and empowered to make sale of the five Acres and an half of Land within mentioned for the most it will sell for, and to make and execute a good and Sufficient Deed or Deeds of the same to the Purchaser or Purchasers, their heirs and Assignes, he observing the directions of the Law with regard to the sale of Real Estates by Executors and Administrators. And giving sufficient caution to the Judge of Probate for the County of Plymouth that the produce arising by said Sale and the interest thereof be applied for the use of said minors. [*Passed April 18.*]

Legislative
Records of the
Council, xxiii.,
300.

House Jour-
nal, pp. 292, 311.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 414.

ORDER GRANTING TO JOSIAH LOCK LICENCE TO KEEP AN INN.

A PETITION of Josiah Lock of Westborough Setting forth That he is about to remove into a House in said Town, which had been improved as a Tavern for about ten Years past, and that there is great want of one there. And Praying That he may be enabled to keep a Tavern in said Town.

Read and

Ordered that the Justices of the Gen^l Sessions of the Peace for the County of Worcest[er] be allowed (if they see cause) at their next Sitting to grant the Pet^r a Licence to keep Tavern. He first obtaining the approbati[on] of the select men of Westborough for that business, the time for granting Licences being elapsed notwithstanding. [*Passed April 18.*]

Legislative
Records of the
Council, xxiii.,
300. Mass.
Archives, cxi.,
470.

Mass.
Archives, cxi.,
469. House
Journal, p. 310.

CHAPTER 415.

RESOLVE IN REGARD TO FRENCH NEUTRALS.

Legislative
Records of the
Council, xxiii.,
302. Mass.
Archives,
xxiv., 297.

House Jour-
nal, p. 317.
Province
Laws, iv., 103,
note. *Ante*,
p. 480, chap.
303.

Resolved, that In Order to Prevent the Extraordinary Expence which this Province have been & still are at in Supporting the French People Late Inhabitants of Nova Scotia ever since there Arivall, they be Divided & Proportioned to the Severall Counties in the Province According to what Each County Pays to the Province Tax, speciall Regard being had to the Ages & Circumstances of the Persons as well as their Numbers so as that no one County may be more Burthened than another, their Ability being Considered, and that a Comittee be forth with appointed by this Cou[rt] to make the Proportion aforesaid

And It is further

Resolved that when the Division afores^d is made, Each Counties Proportion of said French People, Be Subdivided to the severall Towns & Districts in the Respective Counties according to the Rule afores^d and that a Comittee be appointed of the Members of this Court in Each County or such others as this Court shall appoint, to make the Proportion, and that the Removall of the S^d French People be made by Order of s^d Comittees at the Charge of the Province,

And that S^d French People So Removed be under the Care & Charge of the Selectmen of the Severall Towns & Districts and be subjected to the Laws of this Province Relating to the Poor. [*Passed April 19.*]

CHAPTER 416.

ORDER ALLOWING £10 TO LIEUT JOHNSON MOULTON AND £7 TO ENSIGN DUMMER SEWALL.

Legislative
Records of the
Council, xxiii.,
303. Mass.
Archives,
lxxix., 120.

Mass.
Archives,
lxxix., 119.
House Jour-
nal, pp. 314, 315.

A PETITION of Johnson¹ moulton in behalf of himself and Dummer Sewall, both of York in the County of York Setting forth That said moulton was Lieutenant of Cap^t Chadburns Company at Louisbourg in 1759 and said Sewall was Ensigne of Cap^t newhals Company likewise posted there That they were made up in the respective Rolls to the 1st day of november only, Whereas they neither of them got home until the beginning of January. And Praying Relief.

Read and

Ordered that the sum of ten pounds be paid out of the publick Treasury to Johnson Moulton. And the sum of Seven pounds to Dummer Sewall in full for their Services within mentioned. [*Passed April 19.*]

¹ The House Journal, pp. 314, 315, reads, "*Jonathan.*"

CHAPTER 417.

ORDER ALLOWING 18/ TO THO^S STUDLEY.

A PETITION of Thomas Studley Setting forth That being a Soldier in the Pay of the Province in 1758, he returned home sick, which Occasioned an Expence to him on the Road and that he afterwards inlisted as a Ranger under Major Rogers in which Service he received a Wound in his Cheek with a Ball which still continues their. And Praying Relief.

Legislative
Records of the
Council, xxiii.,
303. Mass.
Archives,
lxxviii., 764.
House Jour-
nal, p. 315.

Read and

Ordered that the sum of Eighteen shillings be allowed and paid out of the publick Treasury to Col^o Clap for the Use of the Pet^r in full. [*Passed April 19.*]

CHAPTER 418.

VOTE ALLOWING £40 TO ROB^T SAUNDERS, ESQ^R.

In the House of Representatives

The House entered into the consideration of the Services of Robert Saunders of albany Esq^r in behalf of this Province. And after consideration thereon

Voted That the sum of Forty pounds be granted and allowed out of the Publick Treasury to Robert Saunders Esq^r as a Gratuity for his kind Services to the Inhabitants of this Province

In Council Read and Concurred. [*Passed April 19.*]

Legislative
Records of the
Council, xxiii.,
303.

House Jour-
nal, pp. 242, 314.
Ante, p. 53,
chap. 111.

CHAPTER 419.

VOTE IMPOWERING JOSIAH STONE, ADMINISTRATOR, AND MARY NICHOLS, GUARDIAN, TO SELL LANDS, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Josiah Stone Administrator of the Estate of John Nichols late of Upton deceased and mary Nichols Widow of said deceased and Guardian to his Children Setting forth That the said deceased died Intestate leaving two Children, Daughters under seven years of age, and a small Estate lying chiefly in Upton in the County of Worcester and partly in Framingham in the County of Middlesex, great part thereof being in Buildings but no ways convenient for her or her Children. And Praying leave to sell the same, the produce to be improved at interest for the benefit of the Concerned.

[Read and]

Voted That the within Petitioners be and they are hereby in their said capacity impowered to make sale of the Lands and Buildings within mentioned for the most the same will fetch, and to make and Execute a good Deed or Deeds of the same, they observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient caution to the

Legislative
Records of the
Council, xxiii.,
304.

House Jour-
nal, pp. 24, 156,
313, 316. Prov.
ince Laws, ii.,
151, chap. 10.

Judge of Probates for the County of Worcester that the proceeds arising by said Sale be put out on Interest for the good and benefit of the within mentioned minors. [*Passed April 19.*]

CHAPTER 420.

ORDER ALLOWING £1.4 TO SANDERS BRADBERRY.

Legislative
Records of the
Council, xxlii.,
304. Mass.
Archives,
lxxix., 106.

House Jour-
nal, p. 316.

A PETITION of Sanders Bradbery of Haverhill Setting forth That at the time of the Alarm in 1757 he marched by order for the relief of Fort William Henry as far as Worcester under Cap^t Reuben Currier and subsisted himself; but that his name was omitted in the Roll. And Praying Relief.

Read and

Ordered that the sum of One pound four Shill^{ss} be paid out of the publick Treasury to M^r Marsh for the Use of the Pet^r in full. [*Passed April 19.*]

CHAPTER 421.

ORDER DIRECTING THE SELECTMEN OF GLOUCESTER TO PROVIDE A HOUSE FOR JOHN MUIS.

Legislative
Records of the
Council, xxlii.,
305. Mass.
Archives,
xxiv., 294.

Mass.
Archives,
xxiv., 293.
House Jour-
nal, pp. 275, 311.
Ante, p. 499,
chap. 347.

A PETITION of John Muis a late Inhabitant of Cape Sable Setting forth That the Petitioner lately obtained leave to remove to Gloucester, he to subsist himself and Family after such Removal. And Praying that he may be further indulged with a House to live in.

Read and in Answer

Ordered that the Select men of Gloucester be directed to procure a suitable House for the Pet^r at the Charge of the Province. [*Passed April 19.*]

CHAPTER 422.

ORDER DIRECTING THE GUARDIANS OF PLYMOUTH COUNTY INDIANS TO PAY TO THO^s & ISRAEL FELIX, INDIANS, OF THE MONEY NOW IN THEIR HANDS, SUFFICIENT FOR THEIR SUBSISTENCE.

Legislative
Records of the
Council, xxlii.,
305.

Legislative
Records of the
Council, xxli.,
618. House
Journal,
pp. 312, 315.
Ante, p. 241,
chap. 76, note.

A PETITION of Thomas Felix of Middleborough Indian Planter and of Israel Felix his son Setting forth That there is in the hands of the Guardians of the Indians in the County of Plymouth the sum of £53.6.8 arising from the sale of certain Lands in Titecut belonging to the said Thomas Felix and his son Thomas deceased. That the Petitioner Thomas is now near eighty Years of Age and is chiefly supported by his only surviving son the said Israel Felix; that the said Israel has bargained for a peice of land lying very contiguous to him. And Praying that a part of said money in the hands of the Guardians may be paid to the Petitioners for their Support and to pay for said Land.

Read and in Answer

Ordered That the Guardians of the Indians be directed to pay the Petitioners of the money in their hands so far as they shall judge necessary and convenient for their more comfortable Subsistence; as Also to pay for the Lands purchased. [*Passed April 19.*]

CHAPTER 423.

ORDER IMPOWERING ZACH^A BRYANT, GUARDIAN, TO SELL LAND.

A PETITION of Zachary Bryant of Sudbury, Guardian of Catharine and Sarah Greaves, Daughters of Samuel Greaves of said Sudbury deceased Setting forth That said minors are interested one fourth part in sundry parcell's of Land hereafter mentioned lying in Sudbury, which can be of little service to them if divided, and that the other Parties interested in said Lands have Agreed to sell And Praying that He as Guardian may join in said Sale for the benefit of the minors. said Lands are as follows viz^t

Legislative
Records of the
Council, xxiii.,
306.

House Jour-
nal, pp. 312, 315.
Province
Laws, ii., 151,
chap. 10.

Three Acres of meadow in Weston called North meadow Appriz'd at . . .	£12.
Six Acres of Turkey swamp in Sudbury appriz'd	2. 8.
Four Acres and an half at Nonsuch Round Hill	1. 7.
Two Acres at Hog house Hill	4. 5. 4
Seven Acres, and thirty five rods lying in common with Mr James Graves's home lot, appriz'd at	26.

Read and

Ordered That the Petitioner in his capacity as Guardian be empowered to sell the Interest of the minors within named in the Lands mentioned for the most the same will fetch and execute a good Deed or Deeds for the same. He observing the directions of the Law for the sale of Real Estates, and giving sufficient caution to the Judge of Probate for the County of middlesex to account for the proceeds of said Sale. [*Passed April 19.*]

CHAPTER 424.

ORDER ACCEPTING A PLAN OF 250 ACRES OF LAND AND CONFIRMING THE SAME TO THE WIDOW AND CHILDREN OF CAPT. PHINEAS STEVENS.

A PLAN of the Survey of two hundred and fifty Acres granted to the Widow and Children of Cap^t Phineas Stevens deceased in February 1757; said Land lying South of Pontoosuck on Housatonic River being returned to the Court for acceptance.

Legislative
Records of the
Council, xxiii.,
306.

Maps and
Plans, Mis.,
xiii., 14.
Province
Laws, xv., 658,
chap. 320.

Ordered That the within Plan be accepted, and that the two hundred and fifty Acres within delineated and described be and hereby is Confirmed to the Widow and Children of the late Cap^t Phineas Stevens deceased, to their heirs and Assignes. Provided the Plan exceeds not the quantity of the Grant and dos^t not interfere with any former Grant.² [*Passed April 19.*]

¹ *Sic.*

² Not found in the House Journal.

CHAPTER 425.

ORDER ALLOWING 15/ TO JOHN TOLMAN.

Legislative
Records of the
Council, xxiii.,
307. Mass.
Archives,
lxxix., 118.

Mass.
Archives,
lxxix., 118.
House Jour-
nal, pp. 311, 316.

A PETITION of John Tolman of Stoughton Setting forth That in the year 1757 he went out as a Trooper under Cap^t Thomas Vose for the relief of Fort William Henry but was thro' mistake omitted in the muster Roll. And Praying Relief

Read and

Ordered that the sum of fifteen Shill^{es} be paid out of the publick Treasury to M^r Bayley for the Use of the Pet^r in full. [*Passed April 19.*]

CHAPTER 426.

RESOLVE DIRECTING THE PAYMENT OF 2^d STERLING TO EACH SOLDIER RECEIVING THE KINGS BOUNTY OF 4^d.

Legislative
Records of the
Council, xxiii.,
309. Mass.
Archives,
lxxix., 126.

House Jour-
nal, pp. 120, 121,
320. *Ante*,
p. 460, chap.
245.

Resolved that there be paid out of the Province Treasury to such Person or Persons as His Excellency may appoint to recieve it. Such Sums of Money as may be necessary to pay two pence Sterling to each Soldier, that is or may be rais'd for the ensuing Campaign and to be paid to them by the Commanding Officer of each Company to each Man that recieves the four pence from the King's Officer appointed for that purpose. The pay of the said two pences to Commence from the time of their passing Muster. [*Passed April 21.*]

CHAPTER 427.

ORDER ACCEPTING THE REPORT OF WM. RICHARDSON AND DIRECTING THAT THE PAPERS REFERRING TO THE 1,500 ACRES OF LAND GRANTED THOMAS PLAISTED BE LODGED WITH THE PROVINCE TREASURER.

Legislative
Records of the
Council, xxiii.,
308.

House Jour-
nal, p. 322.
Ante, p. 515,
chap. 383.

PURSUANT to an Order of the Great and General Court in their Sessions march 28th 1760. [*ante*, p. 515, chap. 383] directing and empowering me the Subscriber to demand and receive from Timothy mossman the Possession of fifteen hundred Acres of land formerly granted to Thomas Plaisted on Certain Conditions which were not fulfilled by said Plaisted. I have in observance of said Order taken Possession for the Province of the beforementioned Lands and have Leased out the same for one Year for Six pounds to said Timothy mossman as per papers herewith exhibited may appear, all which is humbly presented for your Excellencys and honours Acceptance

W^m RICHARDSON

Read and Accepted and

Ordered that the Papers referred to in this Report viz^t Timothy mossman's Acknowledgment of having surrendered Possession of the Land mentioned, and the Lease executed on his part for said Land be lodged with the Province Treasurer. [*Passed April 22.*¹]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is April 21.

CHAPTER 428.

VOTE APPOINTING PERSONS TO EXECUTE AN INDENTURE BETWEEN
ANDREW OLIVER, ESQ^s, AND ADAM WINTHROP, DECEASED.

Legislative
Records of the
Council, xxiii.,
289, 307. Mass.
Archives, xiv.,
183.

House Jour-
nal, p. 321.

A MEMORIAL of Andrew Oliver Esq^r as he is Treasurer of the Commissioners appointed by the Society for propagating the Gospel in new England and Parts adjacent in America Setting forth That Adam Winthrop Esq^r his Predecessor in said Trust deceased being on the 5th day of november 1741 indebted to the said Society the sum of £5,800.2.1 Bills of Credit on this Province did on the day aforesaid by Indenture executed between him the said Adam Winthrop on the one part, and Edward Hutchinson Esq^r one of the said Commissioners on the other part for securing the payment of said sum convey among other Estate to the said Edward Hutchinson in trust for the use aforesaid all his Lands lying within the Township of Rutland in the County of Worcester containing by computation 2,122, Acres. Also his lands in Holden in said County containing about 223 Acres, and appointed the said Edward Hutchinson his Attorney to sell the same and receive the consideration money therefor until the said debt was satisfied: And the said Edward on his part covenant to return the Overplus of such sale if any there should be, to the heirs and Assignes of the said Adam Winthrop. But that the said Edward Hutchinson is since dead, that great part of said Lands still remain unsold, and the debt aforesaid not yet fully satisfied. And Praying that some meet Person may be empowered to execute the Trusts which the said Edward Hutchinson Esq^r was by said Indenture empowered to execute and for the same uses.

[Read and]

Voted That the Prayer of the Petition be so far granted as that Andrew Oliver & John Phillips Esq^{rs} and M^r Thomas Cushing and the Survivors & ¹ Survivor of them be and hereby are fully authorized & empowered to execute the Trusts mentioned in the Petition and for the same Uses as are in the deed referred to expressed and in their own names to execute any Deed or Deeds that may be necessary in the Execution of the Trusts in as full and ample manner and for the same Intents and Purposes as the said Edward Hutchinson Esq^r by virtue of the Deed aforesaid could and might have done, and that such Conveyances as shall be by them or the Survivors or Survivor of them so executed shall be good and effectual in Law. [*Passed April 22.*]

CHAPTER 429.

ORDER IMPOWERING TIMOTHY NEWELL, ADM^s, TO SELL AN ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Timothy Newell Administrator de bonis non of the Estate of John Staniford late of Boston deceased Setting forth That the said Estate was represented Insolvent, that the

Legislative
Records of the
Council, xxiii.,
309.

¹ The House Journal, p. 321, reads, "or."

² This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 21.

House Journal, pp. 312, 318.
Province
Laws, II., 151,
chap. 10.

whole of the personal Estate and two thirds of the Real has been applied to the payment of debts, and that the Widow is since dead, and her Dower or thirds remains to be applied to the same purpose, but that the Superior Court to which by Law he ought to apply for leave to sell, is at a distance. And Praying that this Court would grant him leave to make Sale of the Real Estate remaining consisting of an Old House and a peice of land adjoining in Boston, apprized at Forty pounds.

Read and

Ordered That the Petitioner as Administrator be hereby allowed and impowered to make sale of the Estate within mentioned for the most it will sell for, he observing the Law of the Province respecting the sale of Real Estates, and giving a good Deed or Deeds for the same, and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale be applied to the payment of the just debts of the deceased. [*Passed April 22.*]

CHAPTER 430.

ORDER IMPOWERING MOSES FISK, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxlii.,
310. Mass.
Archives,
xxxiii., 126.

Mass.
Archives,
xxxiii., 124.
House Journal,
p. 319.
Province
Laws, II., 151,
chap. 10.

A PETITION of Mary Tom of Natick Indian Woman Setting forth That her mother Mary Pogenit lying long sick died in debt, that an administrator is appointed to administer the Estate both of her Father and mother, that they were possessed of Lands lying in natick and Grafton. And Praying that the Administrator (who also joins in said Petition) may be enabled to sell as much of the Real Estate as will be sufficient to pay the debts, and likewise to furnish the Petitioner with necessaries for her subsistence.

[Read and]

Ordered That the Prayer of the Petition be so far Granted That moses Fisk Adm^r on the Estate of Mary Pogenit Deceased be & is hereby Impowered in his S^d Capacity to make Sale of So much of the Reall Estate of Mary Tom the Petitioner where it will be Least Prejudiciall to her as will be Sufficient to pay the Just Debts of her Late Mother Mary Pogenitt & to Provide some Necessaries for S^d Mary Tom which she wants & shall be approved off by the Gaurdians of the Natick Indians, for the most the Same will fetch, and to Execute a Good & Sufficient Deed or Deeds of Conveyance thereof in the Law, He Observing the Directions of the Law Respecting the sale of Reall Estates by Exec^{rs} & Adm^{rs} and Giving Sufficient Caution to the Judge of Probate for the County of Middlesex to apply the Proceeds thereof for the Purposes Mentioned & Duely to account for his Proceedings therein. [*Passed April 22.*]

CHAPTER 431.

ORDER IMPOWERING SETH GILBERT, ADM^r, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Seth Gilbert Administrator of the Estate of Seth Witherel late of Norton in the County of Bristol deceased Setting forth That the deceaseds personal Estate is insufficient to pay his just debts by the sum of £17.1.10 And Praying That he may be enabled to sell so much of the Real Estate as will enable him to pay the said debts, and charges arising on the said Sale.

Read and

Ordered That the Petitioner in his capacity of Administrator be allowed & impowered to make sale of so much of the deceaseds Real Estate (where it will be least prejudicial to the whole) as shall be sufficient to pay his just debts and the charges arising by said Sale and to execute a good Deed or Deeds for the same, he observing the directions of the Law respecting the Sale of Real Estates and giving caution to the Judge of Probate for the County of Bristol that the proceeds of said Sale be applied to the payment of the just debts of the deceased. [*Passed April 22.*]

Legislative
Records of the
Council, xxiii.,
311.

House Jour-
nal, p. 318.
Province
Laws, II., 151,
chap. 10.

CHAPTER 432.

ORDER IMPOWERING THE CONSTABLE TO COLLECT AN ASSESSMENT IN BROOKFIELD.

A PETITION of William Ayers and Others, committee of the second Precinct in Brookfield Setting forth That the Town of Brookfield never could agree to build one or more School houses in said Town, but at a Town meeting in October 1756 Voted that each Precinct should have the Town School kept in their respective Precincts their equal proportion, and the places to be stated by the Inhabitants of each in their respective Precincts.

That the Inhabitants of the second Precinct in consequence of said Vote did in march 1759 Unanimously Agree to a place near their meeting house, to build a Schoolhouse on which [one] was accordingly built and finished, and in november they granted the sum of Twenty five pounds to be Assessed on their Polls and Estates to defrey the charge. But a doubt has since arisen as to the Power of a Precinct to raise money for this purpose, And Praying that the constable to whom the said Tax was committed to collect may be fully authorized to collect the same for so reasonable and salutary a use.

Read and Accepted And

Ordered That the constable to whom the within Assessment was committed be and he hereby is fully authorized and impowered to collect the Tax within mentioned. [*Passed April 22.*]

Legislative
Records of the
Council, xxiii.,
301, 312.

Mass.
Archives,
Iviii., 440.
House Jour-
nal, pp. 313, 321.

CHAPTER 433.

ORDER ALLOWING BOUNTY TO SOLDIER ENLISTING AFTER TIME HAD EXPIRED.

Legislative
Records of the
Council, xxiii.,
312.

House Jour-
nal, p. 323.
Ante, p. 515,
chap. 382.

A PETITION of Gyles Harris an inlisting Officer Setting forth That he inlisted one Samuel Seward on the 21st April. And Praying that said Seward may be allowed the Province bounty, the time for inlisting being expired notwithstanding

Read and

Ordered That upon the Soldiers within named passing muster, he be allowed the Bounty already granted to those who inlist in time. [*Passed April 22.*]

CHAPTER 434.

Legislative
Records of the
Council, xxiii.,
312.

House Jour-
nal, p. 324.
Ante, p. 514,
chap. 379.

ORDER ESTABLISHING THE WAGES OF BRIGADIER GENERAL RUGGLES.

Ordered That the Pay of Brigadier Ruggles in the Service of the present campaign commence the first day of February last. And that the Establishment for his wages be at the rate of Thirty pounds per month. [*Passed April 22.*]

CHAPTER 435.

VOTE REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITIONS OF THOMAS COOPER AND JOSEPH GRANT IN BANKRUPTCY AND EXEMPTING THEM FROM ARREST AND ATTACHMENT.

Legislative
Records of the
Council, xxiii.,
313.

House Jour-
nal, p. 324.
Province
Laws, iv., 446,
notes. *Ante*,
p. 509, chap.
367.

A PETITION of Thomas Cooper of Boston Setting forth That he hath been declared a Bankrupt within the meaning of An Act of this Province providing remedy for Bankrupts and their Creditors, that a Commission of Bankruptcy hath accordingly issued against him, to which he hath in all things conformed, but before he could obtain a Certificate from his Creditors his majestys disallowance of said Act was received. and having delivered up his Effects he is now exposed to peculiar difficulties. And Praying Relief.

A Petition of Joseph Grant of Boston of the like Import

Voted That these Petitions be referred to the second Wednesday of the next may Session for consideration; and that in the mean time the Petitioners and their Effects in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts, and all the Proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed. [*Passed April 22.*]

CHAPTER 436.

VOTE IMPOWERING JOSEPH BUTLER AND ELISHA HEDGE, GUARDIANS, TO JOIN WITH JOHN BUTLER AND SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Butler of Boston, Joseph Butler of said Boston Guardian to Samuel Butler a Minor. Elisha Hedge of Hardwick, Guardian to Thankful and Mary Butler Minors children and Coheirs of John Butler late of said Boston Cooper deceased Setting forth That the said John Butler died in the Year 1748, seized of one eighth part of a Certain House, Outhouses and small wharff situate in Fish street in Boston lying in Common with Others. That the said John Ordered his Estate to be equally divided among his Children who are by this means intituled only to one thirty second part each. That said House is gone much to decay, so that the Rent will barely keep it in repair. And Praying that they the said Guardians may be empowered to join with said John Butler now of Age in the sale of said Estate.

Legislative
Records of the
Council, xxiii.,
313.

House Jour-
nal, pp. 316, 325.
Province
Laws, ii., 151,
chap. 10.

[Read and]

Voted That Joseph Butler Guardian to Samuel, and Elish[a] Hedge Guardian to Thankful and Mary Butler minors and Coheirs of John Butler be and hereby are Authorized and empowered in their said Capacity to join with the other heir who is of Age to make Sale of the Premisses mentioned in said Petition for the most they will fetch, and to execute a good and Sufficient Deed or Deeds to the Purchaser or Purchasers their heirs or Assignes; they observing the directions of the Law respecting the sale of Real Estates by Executors and Administrators, giving sufficient caution to the Judge of Probates for the County of Suffolk that the Produce arising by said Sale with the Interest thereon shall be duly applied to the use of said minors.
[*Passed April 22.*]

CHAPTER 437.

ORDER ALLOWING £6 TO THO^S GREENLEAF.

A PETITION of Thomas Greenleaf of Newbury setting forth That being a Soldier in his majestys Service and in the Pay of this Province, he was taken Prisoner at the Surrender of Fort William Henry and carried to cannada, thence to Louisbourg and from thence to Halifax and Boston. And Praying an Allowance.

Read and

Ordered that the sum of Six pounds be allowed and paid out of the Treasury to Col^o Gerrish for the Use of the Pet^r in consideration of his great Sufferings; being carried into captivity at the Surrender of Fort W^m Henry. [*Passed April 23.*]

Legislative
Records of the
Council, xxiii.,
314. Mass.
Archives,
lxxix., 53.

Mass.
Archives,
lxxix., 53.
House Jour-
nal, pp. 265, 266,
325, 326. *Ante*,
p. 280, chap.
179.

CHAPTER 438.

RESOLVE AND ORDER SETTING OFF CERTAIN INHABITANTS OF BRIMFIELD AND LANDS THEREIN TO THE DISTRICT OF PALMER.

Legislative
Records of the
Council, xxlii.,
316.

Legislative
Records of the
Council, xxlii.,
307, 313. Prov-
ince Laws, iv.,
334, chap. 39;
361, note.

Resolved and Ordered That the Inhabitants together with all the Lands lying in the Town of Brimfield north of the Country Road leading from Boston to Springfield be and hereby are sett off to the District of Palmer by the following bounds viz^t beginning at the Bank of Chicopee River on the north side of said Country Road by the foot of Scotts Bridge so called, then following said Road and bounding South thereon to Springfield Line, then turning north in said Line to said River, then turning up said River bounding north-erly and Easterly thereon to the Bridge aforesaid and made part and parcell of said District there to do duty and receive Priviledge.¹ [*Passed April 23.*]

CHAPTER 439.

VOTE DESIRING THE GOVERNOR NOT TO ORDER THE PROVINCE SHIP "KING GEORGE" TO GREAT BRITAIN, BUT TO HAVE HER CRUISE ON THE COAST.

Legislative
Records of the
Council, xxlii.,
317. Mass.
Archives,
lxvi., 67.

Mass.
Archives,
lxvi., 56, 61–66.
House Jour-
nal, pp. 280, 327,
328. *Ante*,
p. 508, chap.
365.

In the House of Representatives.

Whereas a Vote passed this Court on the 25th Day of March last, desiring his Excellency the Governour to order the Ship King George to proceed to Great Britain, there to receive on board the late Parliamentary Grant, or any Sums belonging to this Province, and return with the same, as soon as may be, and that his Excellency the Governour (if he thought proper) be accommodated with a Passage in said Ship:

And whereas since the passing of said Vote, His Excellency the Governour having informed the two Houses by his Letter to M^r Secretary Oliver, to be communicated to them, bearing Date April 7th Instant, that the Time of the going of said Ship may not suit his Opportunity, and that he hath provided himself with a Passage other Ways, and so has declined taking his Passage in her; and also from some publick Accounts, the House apprehend there will be great Danger of these Coasts being infested with a Number of Privateers of the Enemy the ensuing Summer, and there being also a Probability that the late Parliamentary Grant is or may be Shipped for this Province, on Board some of his Majesty's Ships of War before the Ship King George can arrive to Great Britain; There-fore

Voted; That his Excellency the Governour be desired not to order the Ship King George to Great Britain, but to cruise on these Coasts as usual, to protect the Trade of this Province, any Thing in the aforesaid Vote of the 25th of March last to the Contrary notwithstanding.

In Council Read and concurred. [*Passed April 23.*]

¹ Not found in the House Journal.

CHAPTER 440.

VOTE IMPOWERING SIMON MAYNARD AND SAM^L CROSBY, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Simon maynard and Samuel Crosby, both of Shrewsbury, Guardians to Aaron Crosby and Hannah Crosby, Minors and surviving children of Samuel Crosby late of said Shrewsbury deceased Setting forth That the Estate of the said minors consisteth of about forty four Acres of Land and two ninth parts of a Dwelling House and Barn in Shrewsbury aforesaid, apprized at about Eighty two pounds the whole of which will not rent for more than thirty shillings *p* Annum exclusive of repairs, and is not sufficient to make a Living if owned only by one. And Praying that they may be impowered to make sale of said Estate for the benefit of said Minors.

[Read and]

Voted That the Petitioners be and they hereby are in their Capacity impowered to make Sale of the Lands and Buildings within mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds of the same, they observing the directions of the Law relating to the Sale of Real Estates by Executors or Administrators, and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds arising by said Sale be for the benefit of said Minors and put out on Interest. [*Passed April 23.*]

Legislative Records of the Council, xxiii., 318.

House Journal, pp. 315, 319. Province Laws, ii., 151, chap. 10.

CHAPTER 441.

VOTE DESIRING THE GOVERNOR TO ORDER THE COMMISSARY GENERAL TO PROVIDE A FIRE ENGINE FOR CASTLE WILLIAM.

HIS EXCELLENCY having recommended the making Provision for a Fire Engine to be placed at Castle William.

Voted that his Excellency be desired to Order the Commissary General to provide such Engine accordingly; and that the Commissary General be furnished with money for that purpose. [*Passed April 23.*]

Legislative Records of the Council, xxiii., 319.

Legislative Records of the Council, xxiii., 319. House Journal, pp. 328, 329.

CHAPTER 442.

ORDER APPOINTING A COMMITTEE ON THE SOUTH HADLEY AFFAIR IN REGARD TO THE LOCATION OF A MEETING HOUSE.

A PETITION of Asaph Stebbens and others, Inhabitants of the District of South Hadley Setting forth That the House for Public Worship in said District is too small for the Inhabitants, and so much gone to decay that it is become necessary to build a New House, but that the Inhabitants are so divided in Opinion about a proper place to fix said House upon, that they are in danger of dividing into two Parishes without the Interposition of this Court. And Praying that this Court would determine and fix upon a suitable place whereon such House shall be erected.

Legislative Records of the Council, xxiii., 278, 322.

Mass. Archives, xiv., 177. Legislative Records of the Council, xxiii., 298. House Journal, pp. 297, 313, 325.

The Committee appointed the 18th Instant: on the Petition of a number of the Inhabitants of South Hadley made report.

Read and Accepted. And

Ordered That Benjamin Lincoln Esq^r Major Thomas Morey, M^r Israel Turner Eldad Taylor Esq^r and Cap^t Joseph Root be a Committee to repair to South Hadley and view, and determine the Place where the meeting house shall be erected in said place, and report the Charge of the Committee to be defrayed by the Petitioners. [*Passed April 23.*]

CHAPTER 443.

VOTE APPOINTING JOSEPH CURTIS, ESQ^r, ADM^r AS SUCCESSOR TO EPHRAIM CURTIS AND IMPOWERING HIM TO DEMAND AND RECEIVE MONEY DUE ON BONDS.

Legislative
Records of the
Council, xxiii.,
318.

Mass.
Archives,
xxxiii., 128,
129. House
Journal, p. 323.
Province
Laws, xiv., 668,
chap. 100.

A PETITION of Joseph Curtis Esq^r Administrator of the Estate of Ephraim Curtis late of Sudbury Esq^r deceased Setting forth That in the Year 1752, John Curtis of Worcester, Attorney to Martha Bowman Indian Woman, Samuel Bowman her son, Joseph Pigon and Martha his Wife, Zachary Equi and Betty his Wife, and Benjamin Wisor, Grandson of said Martha Boman, petitioned the General Court to sell sundry peices of land in Natick of about fifty Acres in the whole, and thereupon the Petitioner with the Advice and Assistance of said Ephraim Curtis was impowered to make Sale of said lands, and the said Ephraim was to dispose of the proceeds according to their Several Rights therein, That said lands were accordingly sold, and Bonds given payable to the said Ephraim and his Successor in said Trust. And as the Petitioner cannot as Administrator recover payment of said Bonds Praying that some Person may be appointed as Successor to said Ephraim in that Trust, to recover and dispose of said money accordingly,

[Read and]

Voted That the Petitioner Joseph Curtis be and is hereby nominated and Appointed Successor to Ephraim Curtis deceased for the Purposes mentioned in the above Petition and is fully authorized and impowered to demand and receive the moneys due from the several Persons on the Bonds mentioned in said Petition, and if need be to commence & pursue to final Judgment and Execution any Suit or Suits in the Law for the recovery thereof, and to dispose of the money agreeable to the former Order of the Court. [*Passed April 24.*]¹

CHAPTER 444.

ORDER IMPOWERING EDM^d BANCROFT AND RACHAEL HIS WIFE, EXECUTRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiii.,
321.

House Jour-
nal, p. 337.
Province
Laws, II., 151,
chap. 10.

A PETITION of Edmund Bancroft of Pepperill in the County of middlesex and Rachel his Wife as she is Executrix of the last Will, and Testament of her late Husband Jonathan Barron of Chelmsford deceased Setting forth That the Real Estate of the Testators Father was apprized at £1,921 Old tenor Bills of Credit, that the

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 23.

said Jonathan had two shares in said Estate, and his Sister Lucy Vassall since deceased, one share, that the said Lucys share being insufficient a Settlement was Also Assigned by the Judge of Probate for said County in 1749. to the said Jonathan at the appraised value, on account whereof there is now due to Joshua Henshaw Esq^r Guardian to the said Lucys only daughter £97.6.5 lawfull money. That the said Jonathan Barron gave and devised by his last Will to the said Rachell all his Real and personal Estate viz^t the use and improvement thereof until his son then living, now deceased, should attain to the Age of twenty one Years, and Ordered that she should sell so much of his Real Estate as should be sufficient to pay his debts and funeral Charges. That the whole Rent of the Real Estate is not more than sufficient than to pay the Interest of the debt aforesaid and keep the Buildings in repair That there is but one Child now living of the said Jonathan a Daughter, and that it would greatly injure the Estate to sell off so much only as just to discharge the debts. And Praying for liberty to make Sale of the whole.

Read and

Ordered That the Prayer of this Petition be granted; and that the Petitioner Edmund and his Wife Rachel in her capacity as Executrix as aforesaid be and they hereby are authorized and impowered to make Sale of the whole of the Real Estate in said Petition mentioned, to as good advantage as may be, they observing the directions of the Law relative to the sale of Lands by Executors and Administrators and giving due caution as in said Petition mentioned relating to the disposition of the proceeds of such Sale. [*Passed April 24.*]

CHAPTER 445.

RESOLVE CONFIRMING THE ASSESSMENTS OF THE TOWN OF DARTMOUTH.

Resolved That the Assessments in the Town of Dartmouth as made by the Assessors of said Town for the Year 1759 with the abatement of the Quakers proportion for hiring men for the Service in lieu of Quakers agreeable to a late order of this Court be, and they are hereby ratified and confirmed, notwithstanding they were made by the Assessors for the Year 1759 after assessors were Chosen for said Town in the Year 1760. And the several Constables in said Town for the Year 1759 to whom said Assessments were committed to collect are hereby fully impowered to collect the same, and shall be held to account with the respective Treasurers agreeable to their respective Warrants any supposed defect in said Assessments notwithstanding. [*Passed April 24.*]

Legislative
Records of the
Council, xxiii.,
323.

House Jour-
nal, pp. 299, 300,
331. Province
Laws, iv., 193,
chap. 21; 337,
note.

CHAPTER 446.

VOTE CONTINUING PENDING ACTIONS IN BANKRUPTCY AND STAYING NEW PROCEEDINGS AGAINST BANKRUPTS.

WHEREAS during the time that An Act intituled An Act providing remedy for Bankrupts and their Creditors was in force, sundry Persons were in Pursuance thereof declared Bankrupts, and sur-

Legislative
Records of the
Council, xxiii.,
324.

House Journal, pp. 330, 331.
Province
Laws, iv., 29,
chap. 12; 446,
note. *Ante*,
p. 509, chap.
367; p. 538,
chap. 435.

rendred them selves and Effects for the use of their Creditors according to the Intent of said Act; but by reason of the notice of the disallowance of said Act the Commissioners and Assignees could not proceed to make distribution and finish their trust according to the original Intention thereof, and many doubts have arisen touching such Effects of such Bankrupts and many suits have been or may be brought against such Commissioners, Assignees or former debtors of such Bankrupts, to recover out of their hands the money goods or Effects so given up or Assigned, which if permitted to go on may occasion great injustice¹ and expence.

Voted That all the executive Courts thrô: this Province be and hereby are

Ordered to continue all such actions brought as aforesaid, as are now depending, and to stay all proceedings on new Entries if any such actions until after the second Wednesday of the Sessions of the General Court in May next. [*Passed April 24.*]

CHAPTER 447.

ORDER ALLOWING £3.4 TO ASHLEY BOWEN.

Legislative
Records of the
Council, xxiii.,
324. Mass.
Archives,
lxxviii., 750.

Mass.
Archives,
lxxviii., 749.
House Journal,
pp. 176, 329.

A PETITION of Ashley Bowen of Marblehead Setting forth That he entered into his majestys Service upon the encouragement of this Government and served as a midshipman aboard his majestys Ship Pembroke up the River S^t Lawrence and did duty there until the 30th of September when he with 160 N: England men under his care were ordered aboard a Transport ship for Boston. That in their Voyage it proved Sickly and thirty five of his company died that he was exposed to great hazard and difficulty in tending them, and that he had billeted himself thirteen days after his Inlistment And Praying an Allowance.

Read and

Ordered that the sum of three pounds four Shillings be paid out of the publick Treasury to the Pet^r in consideration of his Services within mentioned. [*Passed April 24.*]

CHAPTER 448.

VOTE FOR FURTHER EXTENDING THE TIME FOR ENLISTMENT.

Legislative
Records of the
Council, xxiii.,
325.

House Journal,
p. 331.
Ante, p. 515,
chap. 382.

Voted That That¹ the time for the Enlistment of the Levies upon the Bounty granted by this Province for the ensuing Campaign be futher continued 'till the 20th of May next. [*Passed April 24.*]

¹ *Sic.*

CHAPTER 449.

VOTE DESIRING THE GOVERNOR TO ORDER THE COMMISSARY GENERAL TO DELIVER A BOX OF INSTRUMENTS FOR THE USE OF THE PROPOSED CANADA EXPEDITION.

Voted that his Excellency the Cap^{tn} General be Desired to Give orders to the Commis^r General to Deliver a Box of Capital Instruments (belonging to this Province & now in the Stores) for the use of the Expedition now going on. [*Passed April 24.*]

Legislative
Records of the
Council, xxiii.,
325. Mass.
Archives,
lxxix., 136.

House Jour-
nal, p. 331.
Ante, p. 524,
chap. 402.

CHAPTER 450.

ORDER IMPOWERING THOMAS SKELTON, JUN^r, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Thomas Skelton Jun^r of Wobourne, Guardian of John Perkins of said Wobourne a person of unsound Mind, Setting forth. That the said John Perkins is seized in Fee of a Messuage and Tract of land in Wobourne containing about ninety five Acres worth about £466.13.4 and is possessed of personal Estate exclusive of his household goods and waring Apparrell worth about ten pounds, and that he owes to Several persons several sums on Interest to the Amount of about Two hundred pounds. That his Creditors are desirous of the money, and that as all the work done on the Farm is done by Labourers upon hire, the Income thereof will not pay the Interest of the money due and support the said John, and that as the Farm cannot be divided without great prejudice to the whole, the wife and Children are desirous that all his Real Estate may be sold, his debts paid and the remainder of the money arising by said Sale applyed towards the Support of him and his Family. And Praying that he may be impowered to sell the same accordingly.

Read and

Ordered That the Prayer of this Petition be granted, and that the Petitioner in his said Capacity be, and he is hereby authorized to make Sale of the whole Real Estate in said Petition mentioned to as good advantage as may be, he complying to the directions of the Law relating to the sale of Lands by Executors and Administrators; and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of such Sale shall be duly applied for the Support of the said John Perkins and his Family, and that the said Guardian account with said Judge for and touching his proceedings in the Premises. [*Passed April 24.*]

Legislative
Records of the
Council, xxiii.,
325.

House Jour-
nal, pp. 336, 337.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 451.

VOTE ALLOWING £200 TO THE GOVERNOR.

Voted that the Sum of two hundred pounds be granted and paid out of the publick Treasury to His Excellency the Governour in consideration of his Services in the Government hitherto and for his better accomodation in his passage to Great Britain. [*Passed April 24.*]

Legislative
Records of the
Council, xxiii.,
329. Mass.
Archives, l.,
130.

House Jour-
nal, pp. 331, 335.
Province
Laws, iv., 336,
note.
Ante, p. 540,
chap. 439.

CHAPTER 452.

ORDER ALLOWING 40/ TO WM BUCK.

Legislative
Records of the
Council, xxiii.,
329. Mass.
Archives,
lxxviii., 65.

House Jour-
nal, p. 334.

A PETITION of William Buck of Wobourne, a Soldier in the Pay of this Province in 1756, Praying an allowance for the expence of his Journey home, he returning Sick when the Campaign was over.

Read and

Ordered that the sum of forty Shillings be paid out of the publick Treasury to M^r Fowle for the Use of the Pet^r in full. [*Passed April 24.*]

CHAPTER 453.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF ESSEX TO APPOINT APPRAISERS FOR ESTATES OF BENJAMIN AND MARY PERKINS.

Legislative
Records of the
Council, xxiii.,
323.

House Jour-
nal, p. 340.

A PETITION of Alexander Smith and Others, the administrator, heirs and Guardians of the minors who are heirs to the Estates of Benjamin Perkins, and Mary Perkins both late of Gloucester deceased Setting forth That it would be very inconvenient as well as expensive to divide each of the Estates into four parts when a division of both Estates might be made among them at once, as they are equal heirs to both, and such division would make their Several parts to be more compact. And Praying that both Estates may be apprizd and divided into four equal parts among the heirs accordingly.

Read and

Ordered That the Prayer of this Petition be granted. And the Judge of the Probate of Wills &c for the County of Essex is hereby authorized and empowered to appoint suitable Persons according to Law to apprise the Estates of Benjamin Perkins and mary Perkins both late of Gloucester deceased and to divide the same among the heirs of said Benjamin and mary as one Estate: and the Estates so divided shall be held by the said heirs and their respective heirs in the same manner as if the Estates had been severally divided among them. [*Passed April 25.*¹]

CHAPTER 454.

ORDER IMPOWERING MARY PENNIMAN, GUARDIAN, TO SELL LAND.

Legislative
Records of the
Council, xxiii.,
317.

House Jour-
nal, pp. 340, 341.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Mary Penniman of Boston, Guárdian of Hannah Penniman a minor and daughter of James Penniman deceased Setting forth That the said minor is intituled to one fifth part (in common and undivided) of a peice of Pasture land in Boston, which yeilds no profit. That an Opportunity now Offers of selling said Land: And Praying that she may be impowered so to do.

Read and

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is April 24.

Ordered That the Prayer of the Petition be granted. And that the Petitioner be impowered in her capacity as Guardian of Hannah Penniman a minor to make Sale of the said minors Interest in the Pasture land mentioned, she observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and giving bond to the Judge of Probate for the County of Suffolk to account for the Proceeds of said Sale according to Law. [*Passed April 25.*¹

CHAPTER 455.

ORDER ALLOWING 48/ TO SARAH KILPATRICK.

A PETITION of Sarah Kilpatrick² Setting forth That her late Husband James Kilpatrick² was a Soldier in the Pay of the Province at Lake George, and in his return home was taken sick at Sheffield; that she sent a man and Horse thither for him; but before they reached him, he was dead And Praying an Allowance of the Expence,

Read and

Ordered that the Sum of forty eight Shill^s be paid out of the publick Treasury to Joseph Sayer Esq^r for the Use of the Pet^r in full. [*Passed April 25.*

Legislative
Records of the
Council, xxiii.,
330. Mass.
Archives,
lxxix., 64.

Mass.
Archives,
lxxix., 63.
House Jour-
nal, pp. 195, 205,
338.

CHAPTER 456.

ORDER ALLOWING THE ACCOUNT OF THE GUARDIANS OF THE PUN- CAPAUG INDIANS.

AN ACCOUNT of the Disbursements for the Puncapog Indians having been by their Guardians laid before this Court for their Allowance.

Read and

Ordered That the Account of charge in the whole amounting to Eight pounds and seven pence (being reasonable) be allowed. [*Passed April 25.*

Legislative
Records of the
Council, xxiii.,
330.

Mass.
Archives,
xxxiii., 127.
House Jour-
nal, pp. 312, 336.
Ante, p. 241,
chap. 76, note.

CHAPTER 457.

ORDER SUBSTITUTING MAJOR CUSHING FOR COL. GERRISH ON THE COMMITTEE ON FRENCH NEUTRALS.

Ordered That major Cushing be of the Committee to proportion the Inhabitants of Nova Scotia &c in the room of Col^o Gerrish, who is absent. [*Passed April 25.*

Legislative
Records of the
Council, xxiii.,
330.

Legislative
Records of the
Council, xxiii.,
315. House
Journal, pp. 92,
338.
Ante, p. 530,
chap. 415.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is April 23.

² The House Journal, pp. 195, 205, and Mass. Archives read, "Gillpatrick."

CHAPTER 458.

ORDER ALLOWING £1.5.9 TO EBEN^r WYMAN.

Legislative
Records of the
Council, xxiii.,
330. Mass.
Archives,
lxxix., 117.

Mass.
Archives,
lxxix., 117.
House Jour-
nal, p. 336.

A PETITION of William Lawrence Esq^r in behalf of Ebenezer Wyman of Townshend. Setting forth That the said Ebenezers Brother Asa Wyman now deceased was a Soldier in the Pay of this Province in the Year 1758. That there was stoppage made from the said Asa's Wages on account of his Gun, altho' it appears that the same was returned into the Kings store at Albany. And Praying Relief.

Read and

Ordered that the Sum of one pound five Shillings and Nine pence be paid out of the publick Treasury to W^m Lawrence Esq^r for the Use of the Pet^r in full. [*Passed April 25.*]

CHAPTER 459.

ORDER ALLOWING £1.16 TO EB^r FARNSWORTH, JUN^r.

Legislative
Records of the
Council, xxiii.,
331. Mass.
Archives,
lxxix., 135.

House Jour-
nal, p. 336.

A PETITION of Ebenezer Farnsworth Jun^r of Groton a Soldier the last Year in the Pay of the Province in Cap^t Arnold Willards Company Setting forth That he is made up in the Roll for one month less than the time he was in the Service. And Praying Relief.

Read and

Ordered that the Sum of One pound Sixteen Shill^s be paid out of the publick Treasury to W^m Lawrence Esq^r for the Use of the Pet^r in full. [*Passed April 25.*]

CHAPTER 460.

ORDER ALLOWING £3.12 TO THO^s TORREY.

Legislative
Records of the
Council, xxiii.,
331. Mass.
Archives,
lxxix., 68.

Mass.
Archives,
lxxix., 68.
House Jour-
nal, pp. 308, 335.

A PETITION of Thomas Torrey of Bridgewater Praying an allowance for Carting the Baggage of half a Company about 75 Miles in the Year 1758.

Read and

Ordered that the sum of three pounds twelve shillings be paid out of the publick Treasury to Cap^t Howard for the Use of the Pet^r in full. [*Passed April 25.*]

CHAPTER 461.

ORDER ALLOWING £5 TO W^m MERRET.

Legislative
Records of the
Council, xxiii.,
331. Mass.
Archives,
lxvi., 60.

A PETITION of William Merret of Boston Setting forth That in August 1758 He inlisted aboard the Province Ship, and was in the Ships Barge soon after surprized and taken with ten others, and that he was carried by the Indians to Quebec, and was at length

relieved from his Captivity by the Submission of that place to his Majestys Arms. And Praying that he may receive some recompence for his loss of time and his Sufferings.

Read and

Ordered that the Sum of five pounds be paid out of the publick Treasury to John Merrit for the Use of the Pet^r in full. [*Passed April 25.*]

Mass.
Archives,
lxvi., 58.
House Jour-
nal, pp. 326, 336.

CHAPTER 462.

ORDER ALLOWING £6 TO SAM^L BATY, JUN^R.

A PETITION of Samuel Baty¹ Jun^r of Eastham Setting forth That he served as a Soldier in the Year 1756, and in the Year 1758 was impressed aboard the Province Ship, notwithstanding which, and the Company to which he belonged having also Completed their Quota for 1759, he being then on the Island of Nantucket was impressed again into his majestys Service, And Praying he may be allowed the bounty.

Read and

Ordered that the sum of six pounds be paid out of the Treasury to the Pet^r in full. [*Passed April 25.*]

Legislative
Records of the
Council, xxlii.,
331. Mass.
Archives,
lxxix., 252.

Mass.
Archives,
lxxix., 252.
House Jour-
nal, pp. 323, 335.
Province
Laws, xv., 671,
chap. 358.

CHAPTER 463.

ORDER ALLOWING £2 TO REBECCA PAIN, ADM^X.

A PETITION of Rebecca Pain, Widow and Administratrix of the Estate of Thomas Pain late of norton deceased Setting forth That her said Husband was a Soldier in the Pay of the Province in 1758, and returned home Sick, that he was landed at Dartmouth forty miles from home, and she sent two men and a horse thither to bring him to norton where he died about three Weeks after his Arrival, and Praying an Allowance.

Read and

Ordered that the Sum of two pounds be paid to Maj^r Morey out of the Treasury for the Use of the Pet in full. [*Passed April 25.*]

Legislative
Records of the
Council, xxlii.,
332. Mass.
Archives,
lxxix., 140.

Mass.
Archives,
lxxix., 141.
House Jour-
nal, p. 339.

CHAPTER 464.

ORDER ALLOWING 24/ TO THO^S HENDERSON.

A PETITION of Thomas Henderson, a Soldier in the Pay of the Province in 1758, who returned him² sick, and was by that means put to expence in order to bring him home, And Praying an Allowance.

Read and

Ordered that the Sum of twenty four Shillings be paid out of the Treasury to Cap^t Richardson for the Use of the Pet^r in full. [*Passed April 25.*]

Legislative
Records of the
Council, xxlii.,
332. Mass.
Archives,
lxxix., 116.

Mass.
Archives,
lxxix., 114.
House Jour-
nal, pp. 338, 339.

¹ The House Journal, pp. 323, 335, reads, "*Bates.*"

² *Sic*, evidently for "home."

CHAPTER 465.

ORDER ALLOWING £2. 10 TO ROBERT TUCKER.

Legislative
Records of the
Council, xxiii.,
333. Mass.
Archives,
lxxix., 138.

House Jour-
nal, p. 338.

A PETITION of Robert Tucker of Norton Praying an allowance of the expence he was at in sending to Kenderhook for his son Amos Tucker, a Soldier in the Pay of the Province who was taken sick there and unable to travel home.

Read and

Ordered that the Sum of two pounds ten shillings be paid out of the Treasury to Maj^r Morey for the Use of the Pet^r in full. [*Passed April 25.*]

CHAPTER 466.

ORDER ALLOWING £3 TO GIDEON PARKMAN.

Legislative
Records of the
Council, xxiii.,
333. Mass.
Archives,
lxxix., 79.

Mass.
Archives,
lxxix., 79.
House Jour-
nal, p. 338.
Ante, p. 247,
chap. 89.

A PETITION of Gideon Parkman of Abington, a Soldier in the Pay of the Province in 1758. Setting forth That being employed in tending the Sick, He was ordered to deliver his Gun to one Thomas Farr, and took a receipt for the same; yet that there is ten Dollars stopt from his Wages on account of said Gun, And Praying Relief,

Read and

Ordered that the Sum of three pounds be allowed and paid out of the publick Treasury to M^r Brown for the Use of the Pet^r in full. [*Passed April 25.*]

CHAPTER 467.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
333. Mass.
Archives,
lxxviii., 705.

House Jour-
nal, p. 339.

A PETITION of Joseph Bishop and Others Setting forth That they were entered into his majestys Service for the Expedition against Canada as part of the Quota of Col^o Bowen's Regiment but were sent down to Georges Fort at the Eastward then expected to be attacked, and are made up in the Roll of that Garrison as Garrison Soldiers only, whereby they are deprived of part of their Wages; and that only to the time of their dismission at the Fort, without any allowance for the time of their Return home and Praying Relief.

Read and

Voted that the sum of £2. 19. 3 be paid out of the Treasury to Jo[s]eph Bishop

To Nath ^l Fuller	3. 9. 3
To Nath ^l Fuller Jun ^r	3. 9. 3
To Jonas Richardson	3. 9. 3
To Ephraim Hodges	2. 19. 3
To Lewis Derry	3. 15. 6
To Daniel Bullock	4. 2
To William Harriden	2. 19. 3

The above Sums to be paid to Maj^r Morey for the Use of the Pet^{rs} respectively in full. [*Passed April 25.*]

CHAPTER 468.

ORDER ALLOWING £2.1 TO ROBT COOK.

A PETITION of Robert Cook of norton Praying an Allowance for the Charge of bringing home his son, a Soldier in the Pay of the Province, who returned from the service Sick.

Read and

Ordered that the sum of two pounds One Shilling be paid to Majr Morey for the Use of the Pet^r in full. [*Passed April 25.*]

Legislative
Records of the
Council, xxiii.,
334. Mass.
Archives,
lxxix., 139.
House Jour-
nal, p. 339.

CHAPTER 469.

ORDER ALLOWING £6.13 TO HEZ: HOLMES.

A PETITION of Hezekiah Holmes of Pembroke Setting forth That He was sent in the Year 1758 by Col^o Doty to apprehend a number of men who had deserted from his Regiment after the action of Ti[c]onderoga, that he accordingly effected it, and carried them back and billeted them. And Praying an Allowance.

Read and

Ordered that the Sum of Six pounds thirteen Shillings be paid out of the publick Treasury to the Pet^r in full for his Expences mentioned. [*Passed April 25.*]

Legislative
Records of the
Council, xxlii.,
334. Mass.
Archives,
lxxix., 48.
Mass.
Archives,
lxxix., 48.
House Jour-
nal, pp. 309, 339,
340.
Ante, p. 282,
chap. 183.

CHAPTER 470.

VOTE GRANTING A TAX OF TWO PENCE PER ACRE FOR ONE YEAR ON LANDS OF NON-RESIDENT PROPRIETORS IN THE DISTRICT OF CHARLTON AND IMPOWERING THE INHABITANTS THEREOF TO CHOOSE COLLECTORS THEREFOR.

A PETITION of a number of the Inhabitants of Charlton District Praying that a Tax may be laid on the lands of the non resident Proprietors in order to raise money to help build the meeting house there.

[Read and]

Voted That this Petition be revived and that the Prayer of this Petition be so far granted as that there be granted a Tax of two pence p Acre for one Year on the Lands of the non resident Proprietors within said District, and that the Inhabitants of said District be impowred at a legal meeting to choose Assessors for Assessing the same, and a Collector or Collectors to collect the same, which Tax when collected shall be paid to the Treasurer of said District for the purpose in said Petition mentioned. And if any of said non resident Proprietors shall neglect or refuse to pay said Tax in sixty days after said Tax is made and published in the Shire Town of the County where said District lyes, and in the Several Boston news Papers three Weeks successively that then the said Assessors be, and are hereby impowred to make sale of so much of said Delinquents Land some where on the Borders thereof, and where it will be least prejudicial to the whole as may be sufficient to pay said Taxes and Charges. [*Passed April 25.*]

Legislative
Records of the
Council, xxlii.,
334.

Legislative
Records of the
Council, xxlii.,
18. House
Journal,
pp. 26, 175, 238,
239.

CHAPTER 471.

ORDER ALLOWING £13. 15. 2 TO JACOB WAYLE.

Legislative
Records of the
Council, xxiii.,
335. Mass.
Archives,
lxxxix., 142.

Mass.
Archives,
lxxxix., 142.
House Jour-
nal, p. 340.

A PETITION of Jacob Wayle. Setting forth That he was a Soldier in Cap^t Edward Blakes Company of Col^o Bagleys Regiment, and served from the 2^d April to 1 November following and was then dismissed: but that he is not made Up in any muster Roll. and Praying Relief,

Read and

Ordered that the Sum of thirteen pounds fifteen Shillings and two pence be paid the Pet^r out of the publick Treasury in full. [*Passed April 25.*¹

CHAPTER 472.

ORDER IMPOWERING CORNELIUS PUTNAM, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
335.

House Jour-
nal, pp. 317, 334.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Cornelius Putnam of Sutton in the County of Worcester Setting forth That he is appointed Guardian to one Edward Putnam of said Sutton who is both an Ideot and Cripple, That said Edward hath a Real Estate worth about Fifty three pounds; that no profit can be made of it as it lyes. and Praying He may be enabled to sell the same for the benefit of the said Edward

Read and

Ordered That the Petitioner in his capacity mentioned be im-
powered to make sale of the Lands mentioned for the most the same
will fetch, and to make and execute a good Deed or Deeds for the
same; he observing the directions of the Law respecting the sale
of Real Estates, and giving sufficient caution to the Judge of Pro-
bate for the County of Worcester that the money arising by said
Sale shall be duly applied to the use of the said Edward. [*Passed
April 25.*

CHAPTER 473.

ORDER ACCEPTING A PLAN OF 353 ACRES OF LAND AND CONFIRMING THE SAME TO WILLIAM LAWRENCE.

Legislative
Records of the
Council, xxiii.,
335.

Maps and
Plans, Mis.,
xiii., 14.
House Jour-
nal, p. 338.
Ante, p. 223,
chap. 35.

A PLAN of the Survey of 353 Acres of Land granted to William Lawrence Esq^r lying South of Pontoosuck on Housatonuc River being returned to the Court for acceptance.

Read and

Ordered That the within Plan be accepted, and that the three
hundred and fifty three Acres herein delineated and described be
& hereby is Confirmed to the within named William Lawrence Esq^r
his heirs and assigns Provided the Plan exceeds not the quantity
of the Grant and dos^t not interfere with any former Grant. [*Passed
April 25.*

¹ This date is according to Legislative Records of the Council and the House Journal; according to Mass. Archives the date is April 24, evidently a mistake as the same record gives its passage through the House as April 25.

² *Sic.*

CHAPTER 474.

VOTE THAT ALL PROCEEDINGS OF THE COM^{TEE} FOR THE SALE OF WESTERN LANDS BE STAYED.

WHEREAS Col Oliver Partridge & others were appointed some years ago by this Court a Committee to make Sale of Two Townships of Land Belonging to this Province Lying in the County of Hampshire one at East Hoosuck & the other adjoining to or near Pontoosuck

Legislative Records of the Council, xxlii., 336. Mass. Archives, cxvii., 572.

Voted that all the Proceedings of the Said Committee touching the Sale of s^d Townships be staid & their Proceedure is hereby forbid untill the further order of this Court, & that the Secretary be Directed forthwith to notifie s^d Committee of this Vote. [*Passed April 25.*]

House Journal, p. 341. Province Laws, xiv., 241, chap. 281.

CHAPTER 475.

ORDER ALLOWING £3.13.3 EACH TO SAM^L SHIVERICK AND SHUBAL WEEKS.

A PETITION of Samuel Shiverick and Shubal Weeks of Fal-mouth Setting forth That they had two Apprentices in the Service the last Year viz^t Thomas Robinson and Ebenezer Chadwick who inlisted under Cap^t Silvanus Bourn and were afterwards turned over to Cap^t Samuel Sturgis, and Praying they may draw part of said Servants Wages.

Legislative Records of the Council, xxiii., 336.

House Journal, pp. 322, 334.

Read and

Ordered That the sum of Three pounds thirteen shillings and three pence be paid out of the Publick Treasury to each one of the Petitioners in consideration of the Services of their Apprentices within mentioned. [*Passed April 25.*]

CHAPTER 476.

VOTE PROVIDING FOR THE TRANSPORTATION OF THE BAGGAGE OF SOLDIERS.

Voted that proper Carriages be provided to Transport the Soldiers Baggage, for y^e Ensuing Campⁿ f^m Worcester to the foot of the Mountain between Westfield & Blanford and also f^m Sheffield to Greenbush so Call^d in York Government, Viz, One Team to Each fifty men for s^d purpose. [*Passed April 25.*]

Legislative Records of the Council, xxiii., 336. Mass. Archives, lxxix., 137.

House Journal, p. 341.

CHAPTER 477.

VOTE ACCEPTING REPORT OF COMMITTEE ON APPORTIONMENT OF THE FRENCH EXILES, AND APPOINTING COMMITTEES THEREON FOR THE SEVERAL COUNTIES.

THE COMMITTEE appointed the 23^d Instant to divide and proportion the late French Inhabitants of Nova Scotia to and Among the Several Counties in the Province made the following Report viz^t

Legislative Records of the Council, xxiii., 337. Mass.

Archives,
xxiv., 298, 299.
House Jour-
nal, pp. 326, 327,
344, 345. Prov-
ince Laws, iv.,
103, note.
Ante, p. 530,
chap. 415;
p. 547, chap.
457.

That the number of the French Exiles now in the Several Counties of this Province and the proportion of them to the several Counties according to the Rule prescribed is contained in the Annexed Return, and that they be disposed of accordingly

[W BRATTLE by order]¹

	Now in y ^e County.	Just Proport ⁿ	Over.	Under
Suffolk	201	284	—	83
Essex	227	208	19	—
Middlesex	274	151	123	—
Hampshire	—	67	—	67
Worcester	135	93	42	—
Plymouth	136	89	47	—
Barnstable	14	40	—	26
Bristol	61	85	—	24
York	21	61	—	40
Dukes County	—	11	—	11
Nantucket	36	16	20	—
	1,105	1,105	251	251

In Council Read & Accepted

In the House of Rep^{res}

Read and Concurd and for the Services above mentioned the following Gentlemen are Chosen Comm^{ee} for the sevrall Counties Viz

For the County	{ Mr Tyler
of Suffolk	{ Mr Humphrey
	{ Cap ^t Metcalf.
Essex	{ Mr Higginson
	{ Maj Cushing
	{ Mr Phillips
Middlesex	{ Mr Russell
	{ Cap ^t Livermore
	{ Col ^o Prescott
Hampshire	{ Col ^o Partridge
	{ Maj. Hawley
	{ Mr Enos Nash
[Wor]cester	{ Col ^o Ward
	{ Cap ^t Richardson
	{ Cap ^t Davis.
Plymouth	{ Col ^o Clap
	{ Col ^o Watson
	{ Cap ^t Howard
Barnstable	{ Col ^o Cotten
	{ Cap ^t Bacon
	{ Mr Stone
Bristol	{ Col ^o White
	{ Mr Akin
	{ Cap ^t Walker
	{ Nath ^l Donnell
York	{ Mr John Lord Jun ^r
	{ Mr John Wheelwright
	{ Mr Stephen Longfellow
	{ Jeremiah Powell Esq ^r
Dukes County	{ Col ^o Neuman
	{ Mr Nath ^l Hancock
	{ Mr Mathew Mayhew
	{ Mr Folger
Nantucket.	{ Cap ^t Obed Hussey
	{ Mr Richard Coffin.

The Comm^{ee} to report their Doings at the next May Session

In Council Read & Concurred & the following Gentlemen are joined.

¹ Inserted from Mass. Archives, xxiv., 299.

Counties		
Suffolk	{ Samuel Watts	Esq ^{rs}
	{ Benj ^a Lincoln	
Essex	Benj ^a Lynde	} Esq ^{rs}
	Ichabod Blaistead ¹	
Middlesex	Samuel Danforth	} Esq ^{rs}
	William Brattle	
Hampshire	John Worthington	Esq
Worcester	John Chandler	Esq
Plymouth	Gam ^l Bradford	Esq
Barnstable	Silvanus Bourn	Esq
[Bris]tol	George Leonard	Esq
York	John Hill	} Esq ^{rs}
	Richard Cutt	
Dukes County	Mr John Sumner	
Nantucket	Josiah Coffin	Esq

the Charge to be born as this Court shall Order. [*Passed April 26.*]

CHAPTER 478.

VOTE REFERRING ALL UNFINISHED MATTERS.

Voted That all matters of a private nature that have day at this Session and shall not be passed upon have the same day at the next Session of this Court. [*Passed April 26.*]

Legislative
Records of the
Council, xxiii.,
339.

House Jour-
nal, p. 344.

CHAPTER 479.

ORDER ALLOWING £12. 12 TO ISAAC WHEELER.

A PETITION of Isaac Wheeler of Malden Setting forth That on the 16: April 1759 He inlisted as a Soldier in the Pay of the Province, and was Ordered first to Castle William and then to Point Shirley, where he was taken Sick and remained so above a month. That he was then sent to join the Army at the Westward, but was taken sick again at Westfield where he remained 'till the 23^d October and then returned home, but is not made up in any muster Roll. And Praying an Allowance,

Legislative
Records of the
Council, xxiii.,
339. Mass.
Archives,
lxxix., 113.

Mass.
Archives,
lxxix., 112.
House Jour-
nal, pp. 336, 342.

Read and

Ordered that the Sum of twelve pounds twelve Shillings be paid out of the publick Treasury to Cap^t Pratt for the Use of the Pet^r in full. [*Passed April 26.*]

CHAPTER 480.

ORDER ALLOWING £6. 15/ TO ISAAC VERRY.

A PETITION of Isaac Verry of Salem Setting forth That on the 6th of April 1759. He inlisted as a Soldier in the Pay of the Province and proceeded as far as Westfield where he was taken sick and so remained for five weeks when by the Doctors advice he returned home and continued under the Doctors hands for more than three months. That by this means he is not made up in any muster Roll. and Praying an allowance,

Legislative
Records of the
Council, xxiii.,
339. Mass.
Archives,
lxxix., 130.

Mass.
Archives,
lxxix., 129.
House Jour-
nal, p. 342.

¹ *Sic*, for Plaisted. See Legislative Records of the Council, xxiii., 338.

Read and

Ordered that the sum of Six pounds fifteen Shillings be paid out of the publick Treasury to M^r Higginson for the Use of the Pet^r in full. [*Passed April 26.*]

CHAPTER 481.

ORDER REMITTING THE EXCISE DUE FROM PHIL^p MASTERS.

Legislative
Records of the
Council, xxiii.,
340. Mass.
Archives, cxx.,
320.

Mass.
Archives, cxx.,
318. House
Journal,
pp. 317, 342.
Province
Laws, iv., 239,
note. *Ante*,
p. 497, chap.
341.

A PETITION of Philip Masters of Boston Retailer Setting forth his distressed Circumstances by reason of the late Fire wherein he lost his House and almost every thing in it, and Among other things the Money he had laid by to pay the duties of Excise for the last half Year. and Praying that the said duties may be remitted him.

Read and in Answer

Ordered that the Excise due from the Petitioner to the Government from the 25th of March 1759 to the 24th of March following be remitted to him And that the Commissioner of Excise on Spirituous Liquors for the County of Suffolk for the Year 1759 govern himself accordingly. [*Passed April 26.*]

CHAPTER 482.

ORDER ALLOWING 40/ TO JOHN FARNUM.

Legislative
Records of the
Council, xxiii.,
340. Mass.
Archives,
lxxviii., 485½.

Mass.
Archives,
lxxviii., 484.
House Jour-
nal, p. 342.

A PETITION of John Farnum of Andover Setting forth That his Son Nathan Farnum being a Soldier in the Pay of the Province in 1758. was taken sick in the service and sent from Lake George to Albany: that the Petitioner made a Journey thither to afford him some assistance, but upon his arrival there, heard he was dead, and Praying an Allowance,

Read and

Ordered that the Sum of forty Shillings be paid out of the publick Treasury to Samuel Phillips Esq^r for the Use of the Petitioner in full. [*Passed April 26.*]

CHAPTER 483.

VOTE DESIRING HIS EXCELLENCY THE GOVERNOR TO GIVE ORDERS FOR THE ENLISTMENT OF 500 MEN FOR SERVICE AT LOUISBURG AND NOVA SCOTIA AND THE DISMISAL OF THE FORCES NOW THERE, AND VOTE IN REGARD TO BOUNTY AND ALSO VOTE TO COMMISSION OFFICERS THEREFOR.

In the House of Representatives

The House taking into consideration his Excellencys Message of this day to Both Houses.

Voted That his Excellency Be desired forthwith to Give Orders for the immediate Inlisting of 500 Men to be employed in his Majestys Service at Louisbrough & Nova Scotia under the Command of the General of his majestys forces in North America for the Relieving such of the forces belonging to this province that are now

Legislative
Records of the
Council, xxiii.,
341. Mass.
Archives,
lxxix., 143.

Legislative
Records of the
Council, xxiii.,
338. House
Journal, p. 343.
Province

there & shall not Incline to Inlist a New, for this Years campaign And that as fast as the companys shall be Compleated, each to consist of One Hundred men including Officers, they be sent to Louisbourg and Nova scotia for the purposes aforesaid And that his Excellency be desired to write to General Amherst; to make provision for the Transportation of said 500 Men & to Give the Necessary Orders for the Dismission of all the forces there Belonging to this province that shall not Inlist again as aforesaid and for their conveyance home And further

Laws, iv., 362,
note. *Ante*,
p. 307, chap.
240.

Voted That each Soldier that shall Inlist on or before the Twentieth day of May next for his Majestys Service at Louisbourg & Nova scotia Shall Receive the same Bounty & be paid in y^e same manner as the Bounty Granted to the 5,000 Men already Agreed to be Raised by this Government & Shall Receive the same Wages and shall be dismissed at y^e same Time and further

Voted that his Excellency the Governor be desired to Commissionate Gentlemen belonging to this province as Officers over the said five hundred Men. [*Passed April 26.*]

CHAPTER 484.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SAM^L READ FOR A NEW TRIAL OF A CAUSE.

A PETITION of Samuel Read of Lunenburg Setting forth That he some time since preferred a Petition to this Court Praying for the Privilege of a new trial in an action he had against one Joseph Eaton, that said Petition was referred to a Committee of both Houses, but that he was by said committee so strictly held to the matters Suggested in his Petition, that he was not permitted to produce some material evidence he had in the Case: The Committee therefore Reported against his said Petition and it was accordingly dismissed by the Court. And Praying that his said Petition may be revived and that he may be allow'd a new trial in the case mentioned. This Petition having been referred to the committee who formerly had this matter under consideration, and they having reported Verbally in favour of its being sustained.

Legislative
Records of the
Council, xxiii.,
342.

Legislative
Records of the
Council, xxiii.,
13, 217. House
Journal,
pp. 160, 235, 335,
345. *Ante*,
p. 312, chap.
246; p. 339,
chap. 313.

[Read and]

Ordered That the Petitioner serve the adverse Party Joseph Eaton with a Copy of this Petition, that he shew cause (if any he hath) on the first Tuesday of the next may Session why the Prayer thereof should not be granted and that Execution against the Petitioner be stayed in the mean time.¹ [*Passed April 26.*]

CHAPTER 485.

VOTE DIRECTING BRIG^E GEN^L RUGGLES TO PROVIDE HOSPITALS.

Voted That Brigadier General Ruggles be directed to provide one or more suitable Hospital or Hospitals for the reception of the sick or wounded as occasion may require or as he shall Judge necessary. [*Passed April 28.*]

Legislative
Records of the
Council, xxiii.,
343.

House Jour-
nal, p. 350.
Ante, p. 514,
chap. 379.

¹ At the hearing, June 18, 1760, this petition was dismissed. See House Journal, p. 71.

CHAPTER 486.

VOTE IN REGARD TO PAYING SOLDIERS.

Legislative
Records of the
Council, xxiii.,
343.

House Jour-
nal, p. 347.

Voted That some part of the Pay of the non Commission Officers and Private men to be employed in the Service for this present year in the Pay of the Province be issued to them monthly. and that such Issues shall not exceed the Amount of One half of the Pay due to them from the Province. [*Passed April 28.*]

CHAPTER 487.

ORDER ALLOWING £18 TO LIEUT. JN^O TRUMBAL.

Legislative
Records of the
Council, xxiii.,
344. Mass.
Archives,
lxxix., 47.

House Jour-
nal, p. 347.

A PETITION of John Trumbal of Charlestown, a Lieutenant in the Pay of the Province in Col^O Fryes Regiment posted at Fort Cumberland in nova Scotia Setting forth That he hath obtained a Furlow from said Colonel to come home in order to transact some necessary business: and is now about to return to his duty, And Praying that he may receive a part of his Wages

Read and

Ordered that the Treasurer be directed to pay to the Pet^r the sum of Eighteen pounds in part of his Wages. He to be accountable when the Roll shall be made up. [*Passed April 28.*]

CHAPTER 488.

ORDER ALLOWING £9 TO JNO COLMAN.

Legislative
Records of the
Council, xxiii.,
345. Mass.
Archives,
lxxix., 145.

House Jour-
nal, p. 347.

A PETITION of John Colman of Barnstable Setting forth That he did duty as a Soldier in the Pay of the Province at Annapolis Royal in Cap^t Mayhews Company of Col^O Thomas's Regiment, and on the 16: November being not well he obtained a discharge and returned home; and as he depends on his wages for a Subsistence. Praying that he may receive a part of what is due him.

Read and

Ordered that the Sum of Nine pounds be paid out of the publick Treasury to Cap^t Bacon for the Use of the Pet^r as part of his Wages that Sum to be deducted out of his said Wages when the Muster roll shall be made up. [*Passed April 28.*]

CHAPTER 489.

ORDER ALLOWING £15 TO ENSIGN JER: DAY.

Legislative
Records of the
Council, xxiii.,
345. Mass.
Archives,
lxxix., 46.

A PETITION of Jeremiah Day of Boston Setting forth That he served as an Ensign the last Campaign in Col^O Fryes Regiment at Fort Cumberland in nova Scotia; that he came home on a furlough

to transact some business and is now returning to his duty. and House Journal, p. 347.
Praying that he may receive a part of his wages.

Read and

Ordered that the sum of fifteen pounds be paid the Pet^r out of the publick Treasury as part of His Wages. That Sum to be deducted when the Roll shall be made up. [*Passed April 28.*]

RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1760-61.

LEGISLATIVE LIST¹

FOR

1760-61.

HIS EXCELLENCY THOMAS POWNALL [*until June 3, 1760*],
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.,

HIS HONOR THOMAS HUTCHINSON, LIEUTENANT GOVERNOR,
[*Acting Governor from June 3, 1760, until August 13, 1760*].

HIS EXCELLENCY FRANCIS BERNARD [*from August 13, 1760*],
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;

HON. THOMAS HUTCHINSON	}	ESQRS.	STEPHEN SEWALL	}	ESQRS.
JOHN OSBORNE			ISAAC ROYALL		
JACOB WENDELL			JOHN ERVING		
BENJAMIN LYNDE			JAMES BOWDOIN		
SAMUEL DANFORTH			THOMAS HANCOCK		
SAMUEL WATTS			THOMAS HUBBARD		
JOHN CHANDLER			ICHABOD PLAISTED		
EZEKIEL CHEEVER			CHAMBERS RUSSELL		
ANDREW OLIVER			ISRAEL WILLIAMS		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;

JOHN CUSHING	}	ESQRS.	SILVANUS BOURN	}	ESQRS.
GEORGE LEONARD			GAMALIEL BRADFORD		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;

JOHN HILL, RICHARD CUTT & NATHANIEL SPARHAWK, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;

WILLIAM BRATTLE, ESQ.

¹ See Legislative Records of the Council, xxiii., 349-353.

For the Province at large:—

BENJAMIN LINCOLN & PETER OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 28, 1760 to April 21, 1761.

MR. JAMES OTIS, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . . Hon. Samuel Welles, Esq.
 Thomas Flucker, Esq.,
 Royall Tyler, Esq.,
 John Phillips, Esq.
Weymouth, . . Mr. James Humphrey.
Hingham, . . Mr. Joshua Hersey.
Dedham, . . Capt. Joniathan Metcalf.
Medfield, . . Capt. Peter Coolidge.
Stoughton, . . Mr. Richard Bailey.
Roxbury, . . Joseph Williams, Esq.
Dorchester, . Nathaniel Hatch, Esq.
Milton, . . . Andrew Belcher, Esq.
Braintree, . . Capt. Ebenezer Thayer.
Wrentham, . . Capt. Timothy Metcalf.
Chelsea, . . . Thomas Goldthwait, Esq.
Needham, . . Mr. Amos Fuller.
Medway, . . . Mr. Elisha Adams.

COUNTY OF ESSEX.

Salem, . . . Mr Nathaniel Ropes.
Ipswich, . . John Choate, Esq.
Newbury, . . Joseph Gerrish, Jr., Esq.
Lynn, . . . Benjamin Newhall, Esq.
Marblehead, . Jacob Fowle, Esq.
Andover, . . Samuel Phillips, Esq.
Beverly, . . Mr. Henry Herrick.
Rowley, . . . Mr. Thomas Lancaster.
Salisbury, . . Caleb Cushing, Esq.
Haverhill, . . Mr. David Marsh.
Glocester, . . William Stevens, Esq.
Almsbury, . . Jonathan Bagley, Esq.
Bradford, . . Capt. Benjamin Milliken.
Boxford, . . Mr. Thomas Perley.
Danvers, . . Mr. Thomas Porter.
Topsfield, . . Mr. John Gould.

COUNTY OF MIDDLESEX.

Cambridge, . . Andrew Boardman, Esq.
Charlestown, . James Russell, Esq.
Woburn, . . . Mr. James Fowle.
Concord, . . . Charles Prescott, Esq.
Reading, . . . Mr. John Temple.
Newton, . . . Capt. John Clark.
Sudbury, . . . John Noyes, Esq.
Marlborough, . Mr. Samuel Witt.
Watertown, . . Mr. Daniel Whitney.
Billerica, . . . Capt. Enoch Kidder.
Groton, Shirley } William Lawrence, Esq.
& Pepperell, }
Framingham, . Joseph Buckminster, Esq.
Lexington, . . William Read, Esq.
Weston, . . . Elisha Jones, Esq.
Chelmsford, . . Oliver Fletcher, Esq.
Malden, . . . Mr. Ezra Green.
Medford, . . . Stephen Hall, Esq.
Westford, . . Capt. Jonas Prescott.
Waltham, . . Samuel Livermore, Esq.
Hopkinton, . . John Jones, Esq.

COUNTY OF HAMPSHIRE.

Springfield, . John Worthington, Esq.
Northampton & } Timothy Dwight, Esq.
Southampton, }
Hadley, } Josiah Chauncey, Esq.
South Hadley }
& Amherst, }
Hatfield, . . . Israel Williams,¹ Esq.
Westfield, . . David Moseley, Esq.
Deerfield & } Elijah Williams, Esq.
Greenfield, }
Sheffield, . . Capt. Ithamar Hubbell.²
Brimfield, . . Capt. Daniel Burt.

¹ Oliver Partridge, Esq., appointed Representative from Hatfield, March 27, 1761, in place of Israel Williams. — House Journal, p. 259, 1760–61.

² Major John Ashley, appointed Representative from Sheffield, March 25, 1761, in place of Capt. Ithamar Hubbell. — House Journal, p. 249, 1760–61.

COUNTY OF HAMPSHIRE — *Concluded.*

Sunderland }
Montague & } Mr. Fellows Billings.
New Salem }

COUNTY OF WORCESTER.

Worcester, . . . Timothy Paine, Esq.
Lancaster, . . . William Richardson,
 Esq.

Leicester & }
Spencer } Mr. Benjamin Tucker.
Mendon, . . . Capt. Phineas Lovett.
Brookfield, . . . Capt. Jabez Upham.
Sutton, . . . Capt. Henry King.
Lunenburg, . . . Edward Hartwell, Esq.
Rutland & }
Rutland Dis- } John Murray, Esq.
trict, }

Shrewsbury, . . . Artemas Ward, Esq.
Sturbridge, . . . Moses Marcy, Esq.
Oxford & }
Charlton, } Capt. Edward Davis.
Westborough, . . . Capt. Bazaleel Eager.
Bolton, . . . John Whitcomb, Esq.
Southborough, . . . Capt. Ezra Taylor.
Uxbridge, . . . Capt. Solomon Wood.

COUNTY OF PLYMOUTH.

Plymouth, . . . Thomas Foster, Esq.
Scituate, . . . Thomas Clap, Esq.
Marshfield, . . . John Thomas, Esq.
Duxbury, . . . Mr. Samuel Seabury.
Bridgewater, . . . Daniel Howard, Esq.
Middleborough, . . . Capt. Ebenezer Sprout.
Rochester, . . . Capt. Nathaniel Ruggles.
Plympton, . . . Capt. John Bradford.
Pembroke, . . . Mr. Josiah Keen.
Kingston, . . . Capt. Josiah Bradford.¹
Abbingdon, . . . Mr. Woodbridge Brown.
Hanover, . . . David Stockbridge, Esq.

COUNTY OF BARNSTABLE.

Barnstable, . . . Hon. James Otis, Esq.,
 Speaker.
Sandwich, . . . Roland Cotton, Esq.
Eastham, . . . Mr. Sylvanus Snow.
Yarmouth, . . . Capt. John Bare.
Harwich, . . . Nathaniel Stone, Esq.

COUNTY OF BRISTOL.

Taunton, . . . James Williams, Esq.
Rehoboth, . . . Mr. Noah Sabin, Jr.
Norton, . . . Thomas Morey, Esq.
 ———,² . . . ———.
Dartmouth, . . . Mr. Benjamin Aken.
Swansey, . . . Mr. Jerathmeel Bowers.
Dighton, . . . Mr. Ebenezer Stetson.
Freetown, . . . Thomas Gilbert, Esq.
Easton, . . . Capt. Eliphalet Leonard.

COUNTY OF YORK.

York, . . . John Bradbury, Esq.
Kittery, . . . Nathaniel Sparhawk,³
 Esq.
Wells, . . . Joseph Sayer, Esq.
Berwick, . . . Mr. John Smith, Jr.
Falmouth, . . . Samuel Waldo, Esq.
North Yarmouth, Jeremiah Powell, Esq.
Biddeford, . . . Mr. Samuel Jordan.
Arundell, . . . Mr. Thomas Perkins.
Scarborough, . . . Capt. John Libby.

DUKES COUNTY.

Edgartown, . . . John Newman, Esq.
Chilmark, . . . Matthew Mayhew, Esq.
Tisbury, . . . Mr. James Athearn.

FOR THE COUNTY OF NANTUCKET.

Sherburn, . . . Abishai Folger, Esq.

¹ Capt. Robert Bradford. — House Journal, p. 4.

² House Journal, p. 4 (May, 1760), adds, "*Attleborough*, Mr. Japhet Bicknell."

³ Capt. James Gowen, appointed Representative from Kittery, December 18, 1760, in place of Nathaniel Sparhawk, Esq. — House Journal, p. 103, 1760–61.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1760.

CHAPTER 1.

VOTE EXTENDING THE TIME FOR ENLISTING THE 5,000 MEN, GRANTING THEM AN ADDITIONAL BOUNTY, AND ALSO DESIRING THE GOVERNOR TO ISSUE COMMISSIONS TO PERSONS ENLISTING THE GREATEST NUMBER OF MEN.

In the House of Representatives

The House taking into Consideration the first Part of his Excellency's Speech of the 29th Instant; and after a Debate on the subject Matter thereof: it appearing to the House that the Levies for the ensuing Campaign, as agreed upon and voted (to Be Raised By Inlistment) by the General Court on the 24th Day of January last, are not yet completed:

Therefore,

Voted, That the Time for their Inlistments be further continued from the 20th of May Current to the 20th of June next; so that the whole number of 5,000 Men including Officers, as voted by this Court may be completed.

And as a further Incouragement to good, able-bodied effective men to Inlist;

Voted, That there shall be given in a Government Security to each private Soldier and Non-Commission Officer that shall inlist before the 20th of June next the Sum of Three Pounds in Addition to the Bounty already granted by this Court; so that instead of a Government's Note of Six Pounds they shall have one of Nine Pounds.

Voted, That his Excellency the Governour be desired in issuing his Commissions, to grant them to such Persons as are Inhabitants of this Province, and otherwise qualified, who shall inlist the greatest Number of Men.

In Council Read and Concurred. [*Passed May 31.*]

Legislative
Records of the
Council, xxiii.,
356. Mass.
Archives,
lxxix., 185.

Legislative
Records of the
Council, xxiii.,
354. House
Journal, pp. 11,
12. *Ante*,
p. 460, chap.
245; p. 544,
chap. 448.

CHAPTER 2.

VOTE EXTENDING THE TIME FOR ENLISTMENT OF THE 500 MEN FOR
NOVA SCOTIA.

Voted That the time for the Enlistment of the 500, destined for Nova Scotia be continued from the 20th of May Instant to the 15th of June next upon the Bounty already granted. [*Passed May 31.*]

Legislative
Records of the
Council, xxlii.,
357.

House Jour-
nal, p. 12.
Ante, p. 556,
chap. 483.

CHAPTER 3.

ORDER ADJOURNING THE SUPERIOR COURT OF JUDICATURE FOR THE COUNTIES OF ESSEX AND YORK.

Legislative
Records of the
Council, xxiii.,
358.

House Jour-
nal, p. 15.
Province
Laws, iii., 726,
chap. 33.

WHEREAS the Superiour Court of Judicature, Court of Assize and General Goal Delivery is by Law to be held at Ipswich in the County of Essex on the second Tuesday of June Instant. And Whereas the Justices of the said Court, and others obliged to attend the same are members of the General Court, and the Important affairs of the Publick make their Attendance at the General Court necessary. Therefore,

Ordered, that the said Superior Court of Judicature in the said County of Essex be adjourned to the fourth Tuesday of June current and that all matters and things that have Day at said Court on the said Second Tuesday of June shall have Day, and be heard, and tried on said fourth Tuesday of June. And that the said Court in the said County of York be adjourned to the first Tuesday in July, and that all matters and things that have Day in said Court, on the said third Tuesday in June, shall have Day and be heard and tried on the said first Tuesday of July next, and that all officers, and other Persons concerned in said Courts respectively take Notice thereof, and conform themselves accordingly. [*Passed June 2.*]

CHAPTER 4.

ORDER GRANTING TO SAMUEL WHITCOMB LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxlii.,
361. Mass.
Archives, xli.,
474.

Mass.
Archives, xli.,
473. House
Journal, p. 18.

A PETITION of Samuel Whitcomb¹ of Dighton Setting forth that said Town is now destitute of a Publick House of Entertainment. Praying that the Justices of the Sessions for the County of Bristol to be holden at Taunton in June Instant, may be impowered to give License to your Petitioner to keep a Publick House of Entertainment, in said Town of Taunton.

Read and

Ordered that the Justices of Gen^l Sessions of the Peace for the County of Bristol be allowed (if they See cause) to grant the Pet^r a Licence to keep a House of publick Entertainment (He having already obtain'd the approbation of the Select Men of said Town for that purpose) the remaining part of the Year. The time for granting Licences being elapsed notwithstanding. [*Passed June 3.*]

CHAPTER 5.

ORDER IMPOWERING MARY LOW, ADM^x, TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiii.,
361.

House Jour-
nal, pp. 13, 19.

THE PETITION of Mary Low of Rutland District, in the County of Worcester, Widow and Administratrix on the Estate of her late Husband Francis Low, late of Rutland District deceased, Setting forth That before her said Husbands Death, he sold to Charles Heywood of said District, a small Tract of land in said District, con-

¹ The House Journal, p. 18, reads, "*Whitmarsh.*"

taining One Acre and twenty Rods, and received the Pay for the same in his Life time, of the said Charles, but so it happened, that before the Deed of said Land was made, he died Praying that she may be impowered to give a good Deed of the aforesaid Land to the said Charles

Read and

Ordered that the above named Mary in her Capacity be and she hereby is impowered to make and Execute a good Deed in the Law to the said Charles Heywood of the Lands mentioned. Inasmuch as the above named Francis bargained for the same and received the Pay of the said Charles before his decease. [*Passed June 3.*]

CHAPTER 6.

ORDER IMPOWERING LUCY BILLING TO EXECUTE A DEED.

A PETITION of Lucy Billing Widow of the late Rev^d Edward Billing of Greenfield in the County of Hampshire deceased Setting forth That her said husband in his life time sold a Tract of land to M^r Jonathan Bardwell, and took a Bond for the payment of One hundred forty six pounds, thirteen shillings and four pence lawful money, of which said Bardwell has paid the sum of Forty two pounds two shillings The said Billing gave said Bardwell a Bond of Two hundred pounds obliging himself or his heirs to Execute a Deed of said Farm to the said Bardwell. The said Billing has purchased a Lot of Land on which he lived, in Expectation of this money to pay for the same, without which the Purchase cannot be paid She Therefore prays that some meet Persons may be appointed and Authorized to execute a Deed of said Farm to said Bardwell agreeable to the Obligation of said Billing deceased.

Read and

Ordered that the Petitioner be allowed and impowered to make and execute a good Deed of the Farm within mentioned, The purchaser paying, or Securing the payment of the money agreeable to the former Contract, and giving up the Bond of Two hundred pounds payable from the Rev^d Edward Billing deceased as within mentioned. [*Passed June 3.*]

CHAPTER 7.

VOTE EXTENDING THE TIME FOR THE PROVINCE TREASURER TO PAY SEAMEN.

WHEREAS by the Vote of the General Court, on January the 15th 1760 Provision was made for paying the Wages of the several Persons that inlisted themselves as Sea men, to serve on board his majestys Ships of War, in the late Expedition against Canada Provided the same was demanded within three months after the said 15th of January and Whereas divers of said Seamen that served on board his majestys Ships in said Expedition were absent at sea, and not in circumstances to demand their Pay before the Expiration of the said Three months Therefore

Legislative
Records of the
Council, xxlii.,
361.

House Jour-
nal, pp. 17, 19.

Legislative
Records of the
Council, xxiii.,
362.

House Jour-
nal, p. 16.
Ante, p. 443,
chap. 207.

Voted that the time for said Seamen receiving their wages be lengthned out for three months longer from this Time. And the Province Treasurer is hereby directed to pay said Seamen as before; They attending the directions of the General Court in their Vote of the 15th of January last: any thing in said Vote, or Order to the contrary notwithstanding. [*Passed June 3.*]

CHAPTER 8.

VOTE CONFIRMING THE VALIDITY OF THE ACTS OF THE TOWN OFFICERS OF WESTON AND BRIMFIELD.

Legislative
Records of the
Council, xxiii.,
363.

House Jour-
nal, p. 16.
Province
Laws, iii., 1044,
chap. 34.

WHEREAS it is represented That the Town Officers chosen in the Town of Weston in the County of Middlesex, and in Brimfield in the County of Hampshire have Transacted divers affairs in said Town before they were qualified by taking the oath relating to the Bills of Credit of the neighbouring Governments by Law required; Whereby some difficulties may Arise relating to the Validity of their proceedings. Therefore

Voted, That all such Acts of such Town Officers be, and they hereby are declared Valid to all Intents and Purposes, the omission of taking said oath notwithstanding Provided that in all other respects the doings of such officers were According to Law and that all such officers before they further Act in any matters take said Oath. [*Passed June 3.*]

CHAPTER 9.

Legislative
Records of the
Council, xxiii.,
364. Mass.
Archives,
xxxiii., 137.

Mass.
Archives,
xxxiii., 136.
House Jour-
nal, pp. 15, 16,
20. *Ante*,
p. 241, chap. 76,
note.

ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE GRAFTON (HASSANIMISCO) INDIANS.

THE ACCOUNT of John Chandler, John Jones, and Edward Baker, Trustees to the Indians at Grafton, having been presented to this Court for their Allowance.

Read and

Ordered that this Account be allowed and that the Ball^a due from the within named Trustees being fifteen Shillings and Six pence they are further Accountable for. [*Passed June 3.*¹]

CHAPTER 10.

Legislative
Records of the
Council, xxiii.,
364.

Mass.
Archives,
lxxix., 197.
House Jour-
nal, p. 24.
Ante, p. 567,
chap. 1.

ORDER IMPOWERING ROYAL TYLER, ESQ^r, TO ENDORSE BOUNTY NOTES.

Ordered that Royal Tyler Esq^r be impowered to indorse the Province Bounty Notes to be Issued for the encouragment of the Enlistment of Soldiers for the present Expedition against Canada. [*Passed June 4.*]

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 4.

CHAPTER 11.

ORDER ALLOWING 48/ TO BENJ^A HILL.

A PETITION of Benjamin Hill, Setting forth that he enlisted a Soldier in the Penobscut Expedition, proceeded to Falmouth and there passed muster, That two or three days after, he was taken Sick with the measles, in which time the army proceeded to Penobscot, and that he has received no wages for his Service Praying his Wages may be allowed him.

Legislative
Records of the
Council, xxiii.,
364. Mass.
Archives,
lxxix, 196.
House Jour-
nal, pp. 17, 23.

Read and

Ordered that the Sum of forty eight shillings be allowed out of the publick Treasury to the Pet^r in full for his Services and Sufferings mentioned. [*Passed June 4.*]

CHAPTER 12.

ORDER ALLOWING 24/ TO JOSEPH WOOD.

A PETITION of Joseph Wood of Hopkinton, Guardian of John Ball, Setting forth that the said John Ball was in the last Expedition against Canada, Commanded by his Excellency General Abercrombie in the Pay of this Province, in Cap^t Henry Springs Company, and Col^o William Williams Regiment, was taken Sick & put into the Hospital at Lake George, where he remained ill for the Space of one month continuing Weak and unable to do any Business for his Support till the first day of February Praying an Allowance.

Legislative
Records of the
Council, xxiii.,
364. Mass.
Archives,
lxxviii., 219.
Mass.
Archives,
lxxviii., 219.
House Jour-
nal, p. 23.

Read and

Ordered that the Sum of twenty four Shillings be allowed out of the publick Treasury to Col^o Buckminster for the Use of the Pet^r in full. [*Passed June 4.*]

CHAPTER 13.

ORDER ALLOWING 31/4 TO MICAH PRATT.

A PETITION of Micah Pratt of Oxford, in behalf of his son David Pratt, a Soldier in the Pay of this Province in the year 1758. in Cap^t John Frys Company in Col^o Ruggles's Regiment. Praying an Allowance of Sundry Charges Occasioned by his Sickness while in the Service.

Legislative
Records of the
Council, xxiii.,
365. Mass.
Archives,
lxxviii., 655.

Read and

Ordered that the Sum of thirty One Shillings and four pence be paid out of the Treasury to Cap^t Davis for the Use of the Pet^r in full. [*Passed June 4.*]

Mass.
Archives,
lxxviii., 654,
656. House
Journal, p. 23.

CHAPTER 14.

ORDER ALLOWING 32/4 TO SAM^L BAKER.

Legislative
Records of the
Council, xxiii.,
365. Mass.
Archives,
lxxix., 51.

Mass.
Archives,
lxxix., 49.
House Jour-
nal, p. 23.

A PETITION of Samuel Baker of Charlton a Soldier in his Majesty's Service in the year 1758 in Cap^t David Whites Company, and Col^o Joseph Williams Regiment. Praying an Allowance of Sundry Charges occasioned by his Sickness on his Return home

Read and

Ordered that the Sum of thirty two Shillings and four pence be allowed out of the publick Treasury to Cap^t Davis for the Use of the Pet^r in full. [*Passed June 4.*]

CHAPTER 15.

ORDER ALLOWING 40/ TO EBEN^R RIDER.

Legislative
Records of the
Council, xxiii.,
365. Mass.
Archives,
lxxviii., 803.

Mass.
Archives,
lxxviii., 802.
House Jour-
nal, p. 23.

A PETITION of Ebenezer Rider of Hopkinton a Soldier in his majestys Service in the Expedition against Canada in the Year 1758. under Major General Abercrombie Praying an allowance of Sundry Charges, occasioned by his Sickness, and Return home.

Read and

Ordered that the Sum of forty Shillings be allowed out of the publick Treasury to Col^o Buckminster for the Use of the Petitioner in full. [*Passed June 4.*]

CHAPTER 16.

ORDER ALLOWING 45/2 TO NATHAN MOORE.

Legislative
Records of the
Council, xxiii.,
365. Mass.
Archives,
lxxix., 23.

Mass.
Archives,
lxxix., 21.
House Jour-
nal, p. 23.

A PETITION of Nathan Moore of Oxford a Soldier in his Majestys Service in the year 1758. in Cap^t David Whites Company, and Col^o Joseph Williams Regiment. Praying an Allowance of Sundry Charges, occasioned by his Sickness.

Read and

Ordered that the Sum of forty five Shillings and two pence be allowed out of the Treasury to Cap^t Davis for the Use of the Pet^r in full. [*Passed June 4.*]

CHAPTER 17.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiii.,
366.

House Jour-
nal, pp. 10, 21,
22.

AN ACCOUNT of John Cotton Treasurer for the County of Plymouth to April 10th 1760. being laid before the Court for their Allowance.

Read and

Ordered that the within Account be allowed and the Treasurer be discharged of the sum of Eighty pounds and six pence and that he be further accountable to the County for the sum of Seventeen pounds Eighteen shillings and nine pence. [*Passed June 4.*]

CHAPTER 18.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOUNT of Gardner Chandler Esq^r Treasurer for the County of Worcester to may 1760. being laid before the Court for their Allowance.

Read and

Ordered that this Account be allowed, and that the Treasurer be discharged of the sum of Three hundred pounds, two shillings, and one penny,¹ And that the said Treasurer be further accountable to the said County for the Ballance being Thirty five pounds, sixteen shillings and three pence, three farthings, as also for the Taxes laid on the Town of Woodstock since the year 1748. still Outstanding, when he shall receive the same. [*Passed June 4.*]

Legislative
Records of the
Council, xxiii.,
366.

House Jour-
nal, pp. 10, 22.
Ante, p. 10,
chap. 8.

CHAPTER 19.

VOTE IN REGARD TO ACTIONS IN BANKRUPTCY.

WHEREAS, during the time that an Act intituled An Act providing Remedy for Bankrupts and their Creditors was in Force, Sundry Persons were in Pursuance thereof declared Bankrupts, and Surrendered themselves and their Effects for the use of their Creditors, according to the Intent of said Act, but by reason of the Notice of the Disallowance of said Act, the Commissioners and Assignees could not proceed to make Distribution and finish their Trust according to the Original Intention thereof, and many doubts have arisen touching such Effects of such Bankrupts, and many suits have been or may be brought against such Commissioners Assignees or former Debtors of such Bankrupts to recover out of their hands the money, Goods or Effects so given up, or Assigned, which if permitted to go on may Occasion great Injustice and Expence.

Voted that all the Executive Courts through this Province be and hereby are ordered to continue all such actions brought as aforesaid, as are now depending and to stay all Proceedings on new Entries of any such Actions untill after the second Wednesday of the next sitting of this Court. [*Passed June 4.*]

Legislative
Records of the
Council, xxiii.,
367.

House Jour-
nal, p. 27.
Province
Laws, iv., 29,
chap. 12; 446,
note. *Ante*,
p. 543, chap.
446.

¹ The House Journal, p. 22, reads, £313. 2. 1.

CHAPTER 20.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiii.,
369.

House Jour-
nal, p. 28.
Province
Laws, iv., 165,
chap. 7.

WHEREAS the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas by Law are appointed to be held at Plymouth in and for the County of Plymouth on the first Tuesday of July next, and it being represented to this Court that Sundry Persons who have Business at said Courts are Obliged at the same time to attend the Superior Court of Judicature &c^a at York in and for the County of York, which renders it very inconvenient for said Persons to attend said Courts in Plymouth.

Therefore

Ordered that the said Court of General Sessions of the Peace, and Inferior Court of common Pleas which by Law are appointed to be held at Plymouth aforesaid be and hereby are adjourned to the second Tuesday in July next to be held at the Court House in said Town of Plymouth at ten of the clock in the forenoon of said Day, and all Pleas Writs Actions, Suits Plaints Processes, Precepts Recognizances, and other thing or things whatsoever returnable or having Day or Days in either of said Courts, shall stand abide and continue unto the said Adjournment, and be held deemed and Adjudged to be as good, effectual and available to all Intents and Purposes whatsoever as if said Court had been held, and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed June 4.*]

CHAPTER 21.

ORDER SUBSTITUTING TIMOTHY PAINE, ESQ^R, FOR JOHN CHANDLER ESQ, ON THE COMMITTEE FOR DISTRIBUTING FRENCH EXILES.

Legislative
Records of the
Council, xxiii.,
359.

House Jour-
nal, p. 30.
Ante, p. 553,
chap. 477.

Ordered that Timothy Paine Esq^r be of the Committee to distribute such of the French Exiles among the Several Towns in the County of Worcester, as have been Assigned to that County, in the room of John Chandler Esq^r who desires to be excused from that Service. [*Passed June 5.*¹]

CHAPTER 22.

VOTE ALLOWING 3/ PER MAN ADDITIONAL TO ENLISTING OFFICERS.

Legislative
Records of the
Council, xxiii.,
371. Mass.
Archives,
lxxix., 204.

House Jour-
nal, p. 32.
Ante, p. 350,
chap. 336.

Voted that three Shillings be added to the Sum already granted to those Persons Who have or shall recieve beating Orders for Enlisting Forces &c for every able bodied effective Man they shall inlist after this Day Provided they Pass Muster by the proper officer impowered for that Service. [*Passed June 5.*]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is June 3.

CHAPTER 23.

ORDER ALLOWING £1. 16 TO MARY MERROW, ADM^x.

A PETITION of mary merrow of Reading Administratrix on the Estate of her late Husband Edward merrow deceased, Setting forth That her son Edward merrow inlisted in his majestys Service in the year 1757. under the Command of Cap^t Thomas Cheever, marched to Fort Edward, continued in the Service at said Fort till the beginning of November, at which time not being well, was dismissed as an Invalid, with much Difficulty got to Albany, was there put into the Hospital where he continued untill the 14th of December and then dyed That said Edward was not made up in said Cheevers's Muster Roll any longer than the 17th of November, being about one month short of the time your Petitioners Son lived in the Service Praying an allowance may be made her for the said month.

Read and

Ordered that the Sum of One pound Sixteen Shillings be allowed out of the publick Treasury to M^r Temple for the Use of the Petitioner in full. [*Passed June 6.*¹]

Legislative
Records of the
Council, xxiii.,
370. Mass.
Archives,
lxxix., 101.
Mass.
Archives,
lxxix., 101.
House Jour-
nal, pp. 14, 29.

CHAPTER 24.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

IN THE HOUSE OF REPRESENTATIVES. The House entered into the consideration of Petitions from Sick and Wounded Soldiers, and passed the following Votes Viz^t

Ordered that the sum of One pound one shilling and four pence be paid out of the Treasury to Col^o Buckminster for the use of Isaac Fisk in full To Col^o Lawrence the sum of One pound, Sixteen shillings for the use of John Stepley in full. To Major Hartwell the sum of Four pounds, eight shillings and four pence, for the use of John Buss in full. To major Hartwell, the sum of Three pounds for the use of Nathaniel Page in full. To major Hartwell, the sum of Three pounds eighteen shillings for the use of Patrick and John White in full. To M^r Paine the sum of One pound, four shillings and four pence, for the use of Nathaniel Adams in full. To Cap^t Davis, the sum of Two pounds, and two pence, for the use of Ephraim morey in full To m^r Paine, the sum of One pound sixteen shillings and eight pence, for the use of Francis Cutting in full, To m^r Billing the sum of Six pounds, for the use of William Scott, in full. To Cap^t Wood the sum of Three pounds two shillings and eight pence, for the use of Isaac and John Sanger, in full. To Cap^t Richardson the sum of two pounds Eleven shillings for the use of Samuel Kendell, in full. To m^r Billing, Two pounds ten shillings, and four pence for the use of Eleazer Warner in full.

In Council Read and Concurred. [*Passed June 6.*]

Legislative
Records of the
Council, xxiii.,
372.

Mass.
Archives,
lxxviii., 723,
729, 731, 804;
lxxix., 2, 3, 4, 7,
13, 100, 147, 137,
201. House
Journal, p. 31.

¹ There is some confusion of dates here, Mass. Archives, lxxix., 101, giving the final action in Council as June 4; evidently a mistake for June 6, on which day the record states it passed the House.

CHAPTER 25.

ORDER IMPOWERING GILBERT McADAMS, ESQ^R, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
374.

House Jour-
nal, pp. 18, 25,
26.

A PETITION of Gilbert McAdams Esq^r of New York Guardian to Susanna Cunningham and Sarah Cunningham minors, and Children of Nathaniel Cunningham late of Cambridge in the County of Middlesex deceased Setting forth that the said Infants are Seized in Fee of Real Estate which lies in Several parts of this Province, some of which Consi[s]ts of Out Lands which are not like to yeild present Profit, &c^a Praying leave to make Sale of said minors Real Estate.

Read and

Ordered that the Petitioner in his said Capacity as Guardian to Susanna Cunningham, and Sarah Cunningham Infants and heirs of Nathaniel Cunningham late of Cambridge deceased, be impowered to make Sale of the Real Estate of said Infants mentioned, he conforming to the Law of this Province, (respecting the Sale of Real Estates by Executors and Administrators) in the Sale thereof, and first giving Sufficient Security to the Judge of Probate for the County of Middlesex to improve the Proceeds of the Sale of said Estate, after payment of the just Debts of said Estate, for the best Interest of said Infants, and to account with them therefor, when they shall Arrive at Age, or at such other Time, as he shall be lawfully thereto required. And in case of their decease whilst in their minority, then to Account with the Person or Persons who may become intituled to the same Estate. [*Passed June 6.*]

CHAPTER 26.

Legislative
Records of the
Council, xxiii.,
375. Mass.
Archives,
lxvi., 70.

VOTE DESIRING THE LIEUT^R GOVERNOR TO GIVE ORDERS TO IMPRESS 30 SEAMEN FOR SERVICE ON THE PROVINCE SHIP KING GEORGE.

Legislative
Records of the
Council, xxiii.,
376. House
Journal, pp. 30,
31, 34. *Ante*,
p. 540, chap.
439.

Voted that His Honour be desired to give Orders to Cap^t Hollowell to impress thirty Sea Men to Serve on board the Ship King George in such way and manner as His Hon^r shall think proper. The said thirty Men to be discharged upon the said Ship's return from her Cruize. [*Passed June 6.*]

CHAPTER 27.

Legislative
Records of the
Council, xxiii.,
376. Mass.
Archives,
lxxix., 207.

VOTE DESIRING THE LIEUT^R GOVERNOR TO COMMISSION A CAPT. LIEUT. AND ENSIGN TO EVERY 50 MEN.

House Jour-
nal, p. 34.
Ante, p. 460,
chap. 245.

Voted That in Order to facilitate a Speedy Completion of the Levies of this province His Honor y^e Lev^t Governor be desired to comissionate a Captain one Lev^t & an Ensign to Every fifty Men and to give previous Assurances thereof to the recruiting officers in such Manner as he shall think proper. [*Passed June 6.*]

CHAPTER 28.

VOTE CHOOSING WILLIAM BOLLAN, ESQ^R, AGENT IN GREAT BRITAIN.

THE TWO HOUSES according to Agreement proceeded to the Choice of an Agent for the Province in Great Britain by joint Ballot of the two Houses, and upon counting and sorting the Votes it appeared that William Bollan Esq was chosen by a Major Vote of the Council and House of Representatives. [*Passed June 6.*]

Legislative
Records of the
Council, xxlii.,
376. Mass.
Archives,
xxii., 143.

Legislative
Records of the
Council, xxiii.,
376. House
Journal, pp. 30,
34.

CHAPTER 29.

VOTE DESIRING THE LIEUT. GOVERNOR AND THE HONOURABLE BOARD TO ORDER THE PROVINCE TREASURER TO ADVANCE MONEY TO COMPLETE THE LEVIES.

Voted That his Honour the Lieutenant Governor with the Advice of Council be desired to give Orders to the Treasurer to advance such Sums of money as shall be necessary to compleat the Leavies, (including the money in the hands of Brigadier Ruggles) the Officers to whom the money shall be Advanced, giving Security to be accountable. [*Passed June 7.*]

Legislative
Records of the
Council, xxiii.,
378.

House Jour-
nal, p. 36.
Ante, p. 460,
chap. 245.

CHAPTER 30.

ORDER ALLOWING MATTHEW ADLINGTON TO RECEIVE THE WAGES DUE HIS SON.

A PETITION of Matthew Adlington of Stoughton, Setting forth that his son Joseph Adlington being inlisted into his majestys Service last April was Twelve months was sent down to Louisbourg under Command of Cap^t Chadbourn in Col^o Bagleys Regiment, was under Age but was made up in the muster Rolls as of Age Praying Liberty to receive his sons Wages.

Read and

Ordered that the Prayer of the Petⁿ be granted and the Pet^r Matthew is hereby allowed to recieve his Son's Wages out of the Treasury accordingly. [*Passed June 10.*]

Legislative
Records of the
Council, xxlii.,
380. Mass.
Archives,
lxxix., 192.

Mass.
Archives,
lxxix., 192.
House Jour-
nal, p. 38.

CHAPTER 31.

ORDER IMPOWERING ABIG^L BARNEY, ADM^X, TO EXECUTE A DEED.

A PETITION of Abigail Barney, Widow and Administratrix on the Estate of Martin Barney, late of Warren, in the County of Bristol, in the Colony of Rhode Island deceased Setting forth that the said deceased on the 23^d day of August AD: 1758, by his Bond under hand and Seal, bound himself to one John Whitaker

Legislative
Records of the
Council, xxlii.,
384.

House Jour-
nal, pp. 18, 22.

of Rehoboth, in the County of Bristol, in the Province of the Massachusetts Bay, Yeoman, in the sum of Twelve hundred pounds, in Bills of Credit, of the Colony of Rhode Island Old tenor said Bond is Conditioned that the said deceased shall upon the said Whitakers paying the said deceased, his heirs Executors, or Administrators, the sum of Six hundred and Ten pounds, in Bills of Credit, as aforesaid, at the time mentioned in said Bond, That then the said Martin Barney his heirs, Executors &c^a was to execute and give to said Whitaker a good and lawfull Deed of a Certain Lot of land Situate in Rehoboth aforesaid, containing by Estimation about Seventeen Acres bounded as Appears by said Bond.

And the said deceased on the same 23^d day of August 1758 by his other Bond under hand and Seal, bound himself to said Whitaker in the sum of Thirty five pounds lawfull money of this Province, That upon the said Whitakers paying the sum of Seventeen pounds, ten shillings lawfull money as aforesaid to give to the said Whitaker a good and lawfull Deed of one other Lott of land lying in said Rehoboth, containing by Estimation Ten Acres, lying near said Whitakers Dwelling House, bounded as appears by said Bond And the said Whitaker being ready to pay the sums as aforesaid, as he was to pay to said deceased, to intitle him to a Deed of the two aforesaid Peices of land, from said deceased, his heirs Executors &c^a Prays she may be impowered in her said Capacity, upon the Receipt of the two aforementioned sums, to execute and give the said John Whitaker, a good and lawfull Deed, or Deeds of the two aforementioned Peices of Land conformable to the agreement made in said Bonds, between the said deceased and said Whitaker,

Read and

Ordered that the Prayer of the petition be granted, and that Abigail Barney in her Capacity be, and she hereby is fully authorized, to make and Execute, a good Deed or Deeds, in the Law for the Conveyances of the Several Peices of land within mentioned, to John Whitaker, his heirs and Assignes. And receive of him the money he Agreed to give her late Husband Martin Barney deceased, for the Purchase consideration of said Lands She giving Sufficient Caution to the Town Council of the Town of Warren, in the County of Bristol, in the Colony of Rhode Island That the money she shall receive of said John Whitaker, shall be divided to and among the legal heirs of the said Martin Barney deceased according to Law, in that Case made and Provided. [*Passed June 10.*]

CHAPTER 32.

ORDER ALLOWING 3% TO DAN^L EPES, JR., FOR COLLECTING EXCISE IN THE COUNTY OF ESSEX.

Legislative
Records of the
Council, xxiii.,
385. Mass.
Archives, cxx.,
305.

Mass.
Archives, cxx.,
305. House
Journal, pp. 39,
43. Province
Laws, iv., 354,
note. *Ante*,
p. 324, chap.
275.

THE MEMORIAL of Daniel Epes jun^r Setting forth that he was chosen Collector of Excise, in the County of Essex for the year 1758, & 1759, and has discharged that Office with Faithfulness to the Government, according to his Ability has likewise been at great Expençe in going through the County twice a Year on said service, and has more than Six hundred Accounts to settle in a Year, and the Oath to Administer as many Times, and double that Number of Receipts to give and is allowed only two ϕ Cent for Collecting and paying in the same Your memorialist therefore Prays that an

addition of One $\frac{1}{2}$ Cent may be allowed him for the year 1758, & 1759 for Collecting and paying in the same to the Treasury.

Read and

Ordered that the Pet^r be allowed for collecting the Excise for the County of Essex from March 26 1759 to the 26th of March 1760 one per cent over and above the two per Cent already allowed by Law.

Ordered also That the Pet^r be allowed three per cent in the whole for collecting said Excise the Currant Year. [*Passed June 11.*]

CHAPTER 33.

VOTE APPOINTING A COMMITTEE TO BURN PROVINCE NOTES.

In the House of Representatives

Voted That Col^o Phillips, M^r Welles and M^r Tyler with such as the honourable Board shall appoint, be a Committee to take an account of the Province notes redeemed, and now in the hands of the Treasurer, and consume them to Ashes and make Report of their doings in this matter.

Legislative
Records of the
Council, xxiii.,
386.

House Jour-
nal, p. 42.

In Council Read and Concurred and John Osborne William Brattle, and Thomas Hancock Esq^{rs} are joined in the Affair. [*Passed June 11.*]

CHAPTER 34.

ORDER ALLOWING 35/ TO NEHEMIAH BULL.

A MEMORIAL of Obadiah Dickinson of Hatfield, Setting forth that he commanded a Company of militia in the Alarm, when Fort William Henry was Invested by the Enemy, that he made up his muster Roll according to Order, but casually omitted Nehemiah Bull, who was actually in the Service and that as others were paid, there is due to him, One pound Sixteen shillings and Eight pence Praying in his behalf that he may be allowed the sum aforesaid the Omission Notwithstanding

Legislative
Records of the
Council, xxiii.,
388. Mass.
Archives,
lxxix., 164.

Mass.
Archives,
lxxix., 164.
House Jour-
nal, p. 42.

Read and

Ordered that the Sum of thirty five Shillings be allowed out of the Treasury to the Pet^r for the Use of the within named Nehemiah Bull in full consideration for his Service within mentioned. [*Passed June 11.*]

CHAPTER 35.

ORDER ALLOWING BENAJAH SMITH TO RECEIVE THE WAGES DUE HIS SON.

THE PETITION of Benajah Smith of Easton, Setting forth, that Solomon Smith his Son, a minor, enlisted and went into his majestys Service at Louisbourg under the Command of Cap^t Glover, and is made up in said Cap^t Glovers muster Roll as an Apprentice to a man that your Petitioner knows nothing of Praying he may be enabled to receive his Wages.

Legislative
Records of the
Council, xxiii.,
388. Mass.
Archives,
lxxix., 229.

Mass.
Archives,
lxxix., 229.

House Journal, pp. 39, 43.

Read and

Ordered that the Petitioner be allowed to receive the Wages of Solomon Smith within named out of the Treasury He being a minor when in the Service. [*Passed June 11.*]

CHAPTER 36.

ORDER ALLOWING ELIPH^T LEONARD TO RECEIVE THE WAGES DUE JOHN MEARS.

Legislative Records of the Council, xxiii., 388. Mass. Archives, lxxix., 230.

Mass. Archives, lxxix., 230. House Journal, pp. 39, 43.

A PETITION of Eliphalet Leonard of Easton, Setting forth, that John Mears was an apprentice to him, and enlisted into his majestys Service in march 1759. to go to Louisbourg under the Command of Cap^t Glover, and is made up in said Cap^t Glovers muster Roll as his own man Praying that he may be enabled to draw his Wages.

Read and

Ordered that the Pet^r be allowed to receive the Wages of John Mears out of the Treasury, the said John being a Servant when in the Service. [*Passed June 11.*]

CHAPTER 37.

ORDER IMPOWERING BENJ^A GODDARD & OTHERS, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxiii., 389.

House Journal, pp. 23, 42, 43. Province Laws, ii., 151, chap. 10.

THE PETITION of Benjamin Goddard and others, heirs at Law to the Estate of Benjamin Goddard late of Grafton in the County of Worcester yeoman deceased Setting forth that the said Benjamin Goddard deceased was an heir at Law to the Estate of John Palfrey late of Charlestown in the County of middlesex deceased, without natural Issue, and his the said John's Estate descending to the next of kin, and said Benjamin deceased who Survived the Death of said John, being Sisters Son to said John and so of Right an heir to said deceased his Estate, with Eight others of Equal Degree with him the said Benjamin who are seated in various Parts of this Province, and the said John Palfrey dyed Seized of a small Estate in Lands, lying and being in Lexington in the said County of Middlesex, appraised at between Nineteen and Twenty hundred pounds, Old Tenor which Estate where and as it lies, suits none of the heirs to take, but are all desirous of Selling, and a Purchaser appears for Part thereof, which Sale is retarded, because Part of the said Benjamins heirs are under Age, and so not in a Capacity to sell their Shares Therefore praying the above named Guardians may be enabled to Execute a good, and Sufficient Title with the said Benjamins heirs, of the Right of the said Benjamin deceased, in the said Real Estate, of the said John Palfrey deceased in Conjunction with the rest of the heirs at Law to the Estate of the said John That so the admin^{or} on the said Johns Estate may be enabled to pay the just debts due from said Estate, and to make Distribution of the Residue among the Several heirs according to Law

Read and

Ordered that the above named Petitioners, in their respective Capacities as Guardians, be and hereby are fully impowered to make Sale of the Estate abovementioned to as good Advantage as may be They Observing the Directions of the Law, respecting the Sale of Real Estates by Executors and Administrators And giving Sufficient Caution to the Judge of Probate for the County of Middlesex, that the Proceeds of such Sale shall be duly applied to the benefit of the minors abovenamed. [*Passed June 11.*]

CHAPTER 38.

ORDER IMPOWERING ABEL LAWRENCE, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abel Lawrence of Groton, in the County of Middlesex, Administrator on the Estate of Jonathan Phelps late of Groton aforesaid Husbandman deceased Setting forth that the said Jonathan Phelps, dyed Seized and possessed of a poor Dwelling House, and Barn, and about Fifty Acres of land in Groton aforesaid And the Debts of the said deceased, together with the Maintenance of the Children, amounting to considerable more than said deceaseds personal Estate, and that the Buildings, and Fences are much out of repair, That an opportunity offers for the Sale of all the premisses (excepting the Widows Thirds) and as he Imagines to the great advantage of the Orphans Therefore Prays Liberty in his said Capacity to make Sale of the Premisses.

Read and

Ordered That the Prayer of this Petition be so far granted, as that the Petitioner in his said Capacity of Administrator, be and hereby is impowered to make Sale of Two thirds of the Land & premisses within mentioned for the most the same will fetch, and to execute a good Deed or Deeds, of Conveyance thereof, He observing the Rules in the Law respecting the Sale of Real Estates, by Executors and Administrators, and giving Sufficient Caution to the Judge of Probate for the County of middlesex for the applying the money Arising by said Sale, to the payment of the just Debts due from said Estate, and the Remainder thereof, to the benefit of the heirs of the said deceased according to Law. [*Passed June 11.*]

Legislative
Records of the
Council, xxiii.,
389.

House Jour-
nal, pp. 18, 42.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 39.

ORDER ALLOWING £8 TO LYDIA WALKER.

A PETITION of Lydia Walker of Sudbury Widow of Abijah Walker late of said Sudbury deceased Setting forth, that her husband enlisted himself into the Province Service AD 1758, and was in the Company of Cap^t Henry Spring, in Col^o Williams Regiment, marched to Lake George with said Company, and there did Duty till the 28th July, when he was Captivated by the Indians, sold to the French, and imprisoned in Quebeck till the 25th of September following, when he was put on board a French Cartel Ship, was sent to England, returned to New York in May last, and died in November following That your Petitioner is in very indigent

Legislative
Records of the
Council, xxiii.,
392. Mass.
Archives,
lxxix., 161.

Mass.
Archives,
lxxix., 162.
House Jour-
nal, pp. 45, 46.

Circumstances, with three small Children She Therefore prays that the Wages which would have been due to her said Husband if he had continued in the aforesaid Service, and had not been so Captivated, may be granted her.

Read and

Ordered that the Sum of eight pounds be allowed and paid out of the publick Treasury to M^r Witt for the Use of the Petitioner in full consideration for the Sufferings of her Husband whilst in Captivity. [*Passed June 11.*]

CHAPTER 40.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, AND CHINAWARE, FOR THE COUNTY OF BARNSTABLE AND ALLOWING £23.2 FOR THE EXPENSE THEREOF.

House Journal, p. 43.
Mass.
Archives, cxx.,
366.

Executive
Records of the
Council, xlv.,
249. House
Journal, pp. 43,
44. *Ante*,
p. 422, chap.
151.

THE COMMITTEE to farm out the Excise upon Tea, Coffee and China Ware, for the County of *Barnstable*, Reported, That they had sold the same to *Cornelius Crocker* of *Barnstable*, for the Sum of *thirty eight Pounds*, and had taken Bond of him, and had delivered the same to the Province Treasurer.

Signed SYLVANUS BOURN, per Order

Read and

Ordered that the above report be accepted and y^t the sum of Two pounds three Shillings and two pence¹ be allowed out of the publick Treasury to the Comm^{ee} for their Service and Expence mentioned. [*Passed* June 11.*]

CHAPTER 41.

ORDER IMPOWERING DAN^L REA, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
393.

House Journal, pp. 37, 46.
Province
Laws, li., 151,
chap. 10.

A PETITION of Daniel Rea of Boston Guardian to his son Daniel, a Minor Setting forth, that in the Year 1757 the Rear part of a Certain Dwelling House, and Land then Situate in Pudding Lane, so Called in said Boston, was sett off to said Minor, for his Share in his late Grand father, John Tuckerman deceaseds Real Estate That the said Dwelling House was entirely Consumed by the late great Fire in Boston, and the Land so small a peice that if the said minor was ever so able to build upon the same, it could be of no Real Advantage to him, the Value thereof being not more than Eight or Ten pounds lawfull money That the Owners of the other part of said land are determind to sell their Shares, and as it will be much for the Interest of the said minor to sell his part thereof Your petitioner therefore prays he may be Authorized in his said Capacity to make Sale of the said minors Part of said Land, and to Execute a good and Sufficient Deed in the Law for Conveyance thereof The moneys arising by the Sale to be put to Interest for the Benefit of the said minor.

Read and

Ordered That the Petitioner be, and he hereby is impowered in his Capacity, as Guardian, to make Sale of the Land mentioned, for the

¹ Executive Records of the Council, xiv., 249, reads, £2. 7. 2.

most it will fetch, and to make and execute, a good Deed thereof, He observing the Law respecting the Sale of Real Estates, And giving Sufficient Caution to the Judge of Probate, for the County of Suffolk that the money arising by said Sale, be secured and put to Interest, for the benefit of the minor. [*Passed June 12.*]

CHAPTER 42.

ORDER ALLOWING £2. 11. 4 TO JOHN BURT.

A PETITION of William Lawrence of Groton, in behalf of John Burt of Harvard in the County of Worcester Setting forth, That John Burt jun^r Son of the abovesaid John Burt, enlisted himself in the Service of the Province in the Year 1759 in Cap^t Aaron Willards Company, and in Brigadier Ruggles Regiment, did the duty of a Serjeant untill he went with major Rogers to the Destruction of St Francis, That on his return, he dyed, lost a Gun which he carried with him, That said John Burt Jun^r was made up in said Cap^t Willards Muster Roll, above a month short in his Wages Your Petitioner therefore prays in behalf of the first named John Burt, that he may be enabled to receive a sum adequate to the loss Sustained.

Read and

Ordered that the Sum of two pounds eleven Shillings and four pence be allowed out of the publick Treasury to William Lawrence Esq^r for the Use of John Burt who was made up that Sum short as a Sarjant in Cap^t Aaron Willard's Muster roll. [*Passed June 12.*]

Legislative
Records of the
Council, xxiii.,
394. Mass.
Archives,
lxxix., 177.
Mass.
Archives,
lxxix., 176.
House Jour-
nal, pp. 37, 46.

CHAPTER 43.

VOTE IMPOWERING DEBORAH METCALF, ADM^x, AND JONATHAN METCALF, TO EXECUTE DEEDS.

A PETITION of Deborah Metcalf Widow, & Administratrix on the Estate of her late Husband Joseph metcalf of Rutland District, within the County of Worcester deceased, and Jonathan Metcalf of said District Setting forth that the said Joseph Metcalf, and your Petitioner were joint Purchasers of the One half of great Farm N^o in the north West Quarter of Rutland, and District aforesaid, and many Years ago, agreed upon a Division of the said half Farm between them, and it was accordingly divided, and a Plan thereof formed by a Surveyor, but no Quitclaim Deed, or Deeds of Division were Executed by said Joseph, and Jonathan, in the life time of said Joseph, by Reason whereof, The Title of the heirs at Law to the Estate of said Joseph, is rendered precarious, and uncertain

Your Petitioners therefore Pray that the said Deborah may be impowered to Execute a Quitclaim Deed to the said Jonathan his heirs and Assignes of that part of the said half Farm divided and sett off to him, excepting and reserving to the heirs of the said Joseph, the one half of the Priviledge of Falls, or Water Course on the North Branch of Ware River, lying within the said Division And Also Impower the other Petitioner Jonathan, to execute a Quitclaim Deed to the said Widow, and heirs at Law to the Estate

Legislative
Records of the
Council, xxiii.,
395.
House Jour-
nal, pp. 13, 29,
30.

of the said Joseph deceased, of the other part of said half Farm divided and sett off to the said Joseph and that they may have and enjoy a sure Title in Law, each to his or their part, and Division of said half Farm, to all Intents & purposes as though Deeds of Division, or Quitclaims, had been Interchangeably executed by said Joseph and Jonathan, the one to the other, in the life Time of the said Joseph

[Read and]

Voted that the Prayer of this Petition be so far granted as that the said Deborah be, and she hereby is impowered in her Capacity to make and execute a Quitclaim Deed, to the said Jonathan his heirs, and Assignes forever, of that part of the Farm, in the Petition mentioned, Agreed to be quitted to the said Jonathan, by the said Joseph, in his life time And that the said Jonathan make and Execute a Quitclaim Deed to the Legal heirs, of the said Joseph, of the other Part of said Farm, Agreed by him to be quitted to the said Joseph in his Life time, with the Reservation in said Petition mentioned. [*Passed June 12.*]

CHAPTER 44.

VOTE IMPOWERING THE ASSESSORS OF BRIMFIELD TO TAX THE INHABITANTS OF MONSON DISTRICT, AND THE ASSESSORS OF RUTLAND TO TAX THE INHABITANTS OF THE DISTRICT OF PRINCE TOWN.

Legislative
Records of the
Council, xxiii.,
397.

Legislative
Records of the
Council, xxiii.,
77. House
Journal, pp. 27,
49, 50. Prov-
ince Laws, iv.,
342, note.
Ante, p. 381,
chap. 39.

WHEREAS part of the Town of Brimfield, in the County of Hampshire, hath lat[e]ly been erected into a Seperate District, by the name of Monson, and that part of Rutland called the East Wing, in the County of Worcester with Sundry Farms contiguous thereto hath been erected into a District, by the Name of Prince Town, notwithstanding which the said Towns of Brimfield and Rutland are Assessed in full Proportion, to their Former Taxes, Therefore

Voted, That the Assessors of the Town of Brimfield be, and they hereby are impowered and directed to Assess the Polls, and Estates of the Inhabitants of said District of Monson their due Proportion, as usual to the Province Tax, set on said Town of Brimfield, and that the Assessors of the Town of Rutland be, and they hereby are impowered, and directed to Assess the Polls and Estates of those Inhabitants of said District of Prince Town, formerly called the East Wing of Rutland their due Proportion, as usual, to the Province Tax laid on said Town of Rutland. [*Passed June 12.*]

CHAPTER 45.

ORDER ALLOWING £7. 17 TO RUTH MEAD.

Legislative
Records of the
Council, xxiii.,
397. Mass.
Archives,
lxxix., 220.

Mass.
Archives,
lxxix., 218.
House Jour-
nal, p. 40.

A PETITION of Ruth Mead of Westford, in the County of Middlesex Widow, Setting forth that her late Husband Thomas mead of Westford aforesaid deceased was a Soldier in the pay and Service of the Province the last year to the Westward, in a Company under the Command of Cap^t Whiting of Brigadier Ruggles's Regiment, that when the Forces were discharged the same Year, he was left sick at Crown point, and not being able to Travel was Conveyed from thence to Albany by Water, and there put into the Kings

Hospital, that she was put to a great Expence in getting him home, and for Nurses and Attendance untill his Death And prays a reasonable Allowance may be made her, for the Extraordinary Expence she has been unavoidably put to.

Read and

Ordered that the Sum of Seven pounds Seventeen Shillings be allowed out of the publick Treasury to Cap^t Jonas Prescott for the Use of the Pet^r in full consideration for her expences mentioned. [*Passed June 12.*]

CHAPTER 46.

ORDER ALLOWING £8 TO ISAAC TORREY.

A PETITION of Isaac Torrey of Scituate, in the County of Plymouth Setting forth that last Spring he enlisted a Voluntier into his majestys Service, for the Expedition against Canada in Cap^t Moses Parkers Company, & Col^o Fries Regiment, was stationed at Fort Fredrick, S^t Johns River under the Command of Col^o Arbuthnott, that he went several times in Scouting Parties, and received several Wounds in his hands, so as to render them almost useless, and is not capable of getting his Livelihood, by Reason of the said Wounds He therefore prays for Suitable Relief.

Read and

Ordered that the Sum of Eight pounds be allowed out of the Treasury to Col^o Clap for the Use of the Pet^r in full for his Sufferings mentioned. [*Passed June 12.*]

Legislative
Records of the
Council, xxiii.,
398. Mass.
Archives,
lxxviii., 753.

Mass.
Archives,
lxxviii., 752.
House Jour-
nal, pp. 29, 50.

CHAPTER 47.

ORDER ALLOWING £3 TO MARY ALLEN.

A PETITION of Daniel Burt, in behalf of Mary Allen Widow of John Allen, Setting forth, that her husband John Allen aforesaid was a Soldier in the Service of the Province in the Year 1758, in Cap^t Drumples Company, and Col^o Prebbles Regiment. That there was a Stoppage, in said Captains Roll of Three pounds for a Gun, and your Petitioner having produced a Receipt for said Gun, which she now presents and Prays Allowance for the Three pounds so Stopped.

Read and

Ordered that the Sum of three pounds be allowed out of the Treasury to Cap^t Burt for the Use of the within mentioned Mory¹ in consideration of that Sum Stop'd as within mentioned. [*Passed June 12.*]

Legislative
Records of the
Council, xxiii.,
398. Mass.
Archives,
lxxix., 179.

Mass.
Archives,
lxxix., 178.
House Jour-
nal, p. 50.
Ante, p. 247,
chap. 89.

CHAPTER 48.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

IN THE HOUSE OF REPRESENTATIVES The House entered into the consideration of the Reports of the Committee upon the Petitions of Sick and Wounded Soldiers, and thereupon the following Votes passed Viz^t

Legislative
Records of the
Council, xxiii.,
398.

Mass.
Archives,

¹ *Sic*, it seems, for "Mary."

lxxviii., 54, 55;
lxxix., 54, 66,
90, 95, 96, 98, 99,
151, 168, 169, 170,
205, 214, 226, 228,
232. House
Journal, pp. 47,
48.

Voted that the sum of One pound, nine shillings, and Eleven pence, be paid M^r Porter, for the use of Israel Andrew, in full. The sum of Two pounds to be paid to M^r Temple, for the use of the Petitioner James Pearson in full. The sum of three pounds, to be paid m^r Lancaster, for the use of the Petitioner, Samuel Stickney in full. The sum of Five pounds to be paid to Roland Cotton Esq^r for the use of Samuel Dillingham in full. The sum of Sixteen shillings, to be paid m^r Porter for the use of Mary Prince in full. The sum of One pound sixteen shillings to be paid to m^r Lancaster, for the use of Abel Crescey in full. The sum of Three pounds, four shillings to be paid to Cap^t Richardson, for the use of Timothy Mossman in full. The sum of three pounds, to be paid to m^r Whitney, for the use of the Petitioner John Kimball in full. The sum of Three pounds, five shilling, to be paid to Cap^t Timothy Metcalf, for the Use of Elisha Farrington in full. The sum of four pounds to be paid to m^r Lancaster for the Use of William Stickney, in full. The sum of Three pounds sixteen shillings, to be paid m^r Marsh, for the Use of the Petitioner, Moses Bradley, in full, The sum of Three pounds fourteen shillings and eight pence (exclusive of the Doctors Bill) to be paid to m^r Fletcher for the use of Oliver Procter in full

The sum of Two pounds, to be paid to Cap^t Stevens for the Use of John Ingolls in full, The sum of three pounds sixteen shillings, and ten pence to be paid m^r Pearley, for the use of Jonathan Bixby in full. The sum of one pound ten shillings, to be paid to m^r Porter, for the use of Jonathan Putnam, in full. The sum of One pound sixteen shillings to be paid Col^o Prescott, for the use of Isaac Taylor in full. The sum of nine pounds, twelve shillings, to be paid to William Lawrence Esq^r for the Petitioner Ebenezer Kendell Jun^r in full, for his Services, Charges and Sufferings mentioned

In Council Read and Concurred. [*Passed June 12.*]

CHAPTER 49.

VOTE ALLOWING £20 TO LIEU^t JN^o LARRABEE.

Legislative
Records of the
Council, xxiii.,
401.

House Jour-
nal, pp. 46, 52.

Voted that the sum of Twenty pounds be allowed, and paid out of the Publick Treasury to John Larrabee Lieutenant of his majestys Castle William, in Consideration of his faithfull discharge of that Trust to this Time. [*Passed June 13.*]

CHAPTER 50.

ORDER ALLOWING £35 TO JANE CLARKE.

Legislative
Records of the
Council, xxiii.,
401. Mass.
Archives, I.,
125.

Mass.
Archives, I.,
123. House
Journal, p. 51.

THE MEMORIAL of Jane Clarke, Widow of Thomas Clarke late of Boston deceased Setting forth that her late Husband the said Thomas had the Honour of serving the Government, in the Office of a Deputy Secretary, for many years past, and that by his entire Devotedness to the Duty of his Office he threw of[f] all Attempts to maintain his Family in any other method than by a dependence upon the Government for his Support, That the annual Grants being insufficient, he has been Obligated to spend his own Estate, for the

maintenance of his Family, and has left the same in very unhappy Circumstances Praying a suitable Relief.

Read and

Ordered that the Sum of thirty five Pounds be allowed and paid out of the publick Treasury to the Petitioner in consideration of the extraordinary Services of Her late Husband Tho^s Clark Dec'd in full. [*Passed June 13.*]

CHAPTER 51.

RESOLVE ASSESSING A TAX OF HALF PENNY PER ACRE FOR FOUR YEARS ON LAND IN DISTRICT OF WESTMINSTER.

WHEREAS an Order passed the Great and General Court on the 8 Febr^y last laying a Tax of one half penny p Acre on the Lands of the Non resident Prop^{rs} of the District of Westminster as also upon a Tract of 500 Acres laid out to the late Governor Belcher included in the Bounds of said District

Resolved That said Tax of one half peny p acre be assessed on the Lands aforesaid for the term of four years next ensuing viz one half peny p Acre p annum during said term agreeable to the Report then made by a Comittee of said Court, and to be raised and applied in manner as directed in said Order. [*Passed June 13.*]

Legislative
Records of the
Council, xxiii.,
401. Mass.
Archives,
cxvii., 581.

House Jour-
nal, p. 53.
Province
Laws, iv., 341,
note; v., 280,
note. *Ante*,
p. 483, chap.
310.

CHAPTER 52.

ORDER ALLOWING £30. 17. 2 TO MARGARET ASHLEY.

A MEMORIAL of Margaret Ashley Widow of Doctor Israel Ashley late of Westfield deceased Setting fourth That he the said Israel went Chief Surgeon in his majestys Service to Crown Point, in Col^o William Williams Regiment, in the Year 1758. That he received of Doctor Silvester Gardner a quantity of Druggs upon the Governments Account for the use of the said Regiment, but apprehending it not to be Sufficient, did put up in the same Box with the Governments Stores, to the Value of Thirty pounds for which he was accountable to the said Doctor Gardner which Druggs were expended in the Governments Service, and for which your memorialist hath never received any thing Praying [s]he may be allowed the Sum of Thirty pounds, Seventeen shillings & two pence.

Read and

Ordered that the Sum of thirty pounds Seventeen Shillings and two pence be allowed out of the publick Treasury to D^r Sylvester Gardiner for the Medicines delivered by him to D^r Israel Ashley Dec'd for the Use of the Troops late in the Service of the Province. The said Gardiner discharging the Estate of said Ashley of that Sum. [*Passed June 13.*]

Legislative
Records of the
Council, xxiii.,
403. Mass.
Archives,
lxxix., 175.

Mass.
Archives,
lxxix., 173.
House Jour-
nal, pp. 16, 39.

CHAPTER 53.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
403.

Mass.
Archives,
lxvi., 69;
lxxviii., 708,
732; lxxix., 83,
184, 217. House
Journal, pp. 50,
51.

IN THE HOUSE OF REPRESENTATIVES The House entered into the Consideration of the Report of the Committee upon Sick and wounded Soldiers, and the following Votes passed Viz^t

Voted That the sum of Two pounds, three shillings and eight pence be allowed out of the Publick Treasury to Cap^t Richardson for the use of Daniel Albit in full. The sum of One pound Eighteen shillings and six pence to M^r Herrick, for the use of James Woodbury in full. The sum of One pound two shillings to M^r Herrick for the use of Jerusha Porter in full. The sum of two pounds, ten shillings, and three pence to M^r Herrick for the use of Abigail Low. The sum of One pound, Eighteen shillings to M^r Herrick for the use of Timothy Patch in full. The sum of Three pounds three shillings and six pence to be paid to M^r Snow for the use of Mary Lumbard in full. The sum of four pounds fourteen shillings, to be paid to M^r Snow for the use of William Lumbard in full. The sum of One pound, fifteen shillings to M^r Brown, for the use of X^t Christopher Akin j^r in full. The sum of One pound Nineteen shillings and four pence, to the Petitioner Edward Davis in full.

In Council Read and Concurred. [*Passed June 13.*]

CHAPTER 54.

ORDER ALLOWING £11. 18. 6 TO SARAH CAMPBELL.

Legislative
Records of the
Council, xxiii.,
404. Mass.
Archives,
lxxix., 195.

Mass.
Archives,
lxxix., 195.
House Jour-
nal, pp. 45, 53.

A PETITION of Sarah Campbell of Norton in the County of Bristol Widow Setting forth That her late Husband John Allen inlisted in the Service of the Province in the Year 1759 was sent to Castle William, was there taken ill, and remained so about a Month from thence was Ordered Westward to Fort George, where he was again taken Sick, and dyed, he was a Soldier in Cap^t Job Williams's Company, and Col^o Ruggles's Regiment That the said Cap^t Williams omitted making up her said Husband in his muster Roll Praying she may be allowed to receive her said Husbands Wages

Read and

Ordered that the Sum of Eleven pounds eighteen Shillings and Six pence be allowed out of the Publick Treasury to Maj^r Morey for the Use of the Pet^r in full. [*Passed June 13.*]

CHAPTER 55.

ORDER ALLOWING £3 TO ELIZ^a BABBIT.

Legislative
Records of the
Council, xxiii.,
404. Mass.
Archives,
lxxix., 231.

A PETITION of Elizabeth Babbit, Widow of Doctor Seth Babbit Setting forth that her said Husband entered into his majestys Service in the Year 1758 in Colonel Dotys Regiment, that he

returned one Cartouch Box, One Gun, and one Bayonet, and not being mentioned in the muster Roll, The Treasurer stopt payment for the said Articles,

Your petitioner therefore prays Allowance for the same.

Read and

Ordered that the Sum of three pounds be allowed out of the publick Treasury to the Pet^r in consideration of that Sum being Stop'd out of her Husband's Wages as within mentioned. [*Passed June 13.*]

Mass.
Archives,
lxxix., 231.
House Jour-
nal, pp. 50, 54.
Ante, p. 247,
chap. 89.

CHAPTER 56.

ORDER ALLOWING £1. 12 TO SETH GILBERT, ADM^r.

A PETITION of Seth Gilbert of Norton in the County of Bristol Administrator to the Estate of Seth Wetherell of said Norton deceased Setting forth that the said Seth Wetherell was a Soldier in the intended Expedition against Crown point in the Year 1755 That he carried a Gun, and he being killed said Gun was lost Your Petitioner Therefore prays allowance may be made him for the said Gun.

Read and

Ordered that the sum of One pound, Twelve shillings be allowed out of the Publick Treasury to major morey for the use of the heirs of Seth Witherell in full. [*Passed June 13.*]

Legislative
Records of the
Council, xxiii.,
404.
House Jour-
nal, pp. 50, 53.

CHAPTER 57.

ORDER ALLOWING £4 TO JOSEPH JONES.

A PETITION of Joseph Jones of Springfield, in the County of Hampshire, Setting forth that he is a fatherless Youth of about Nineteen Years of Age, and without any Estate That in April 1759 he Voluntarily enlisted himself into his majesty's Provincial Service, that he faithfully did Duty thro' the last Campaign, at the Close of which, he was taken Sick, and was carried home, where he continued ill for the Space of Several Months, by which Illness he had the Misfortune to loose one of his Eyes, the Sight of the other is much impaired Praying Relief.

Read and

Ordered that the Sum of four pounds be allowed out of the publick Treasury to Col^o Worthington for the Use of the Pet^r in consideration of his Sufferings mentioned. [*Passed June 13.*]

Legislative
Records of the
Council, xxiii.,
405. Mass.
Archives,
lxxix., 194.
Mass.
Archives,
lxxix., 193.
House Jour-
nal, p. 52.

CHAPTER 58.

ORDER IMPOWERING EBENEZER CLARK, ADM^r, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ebenezer Clark Administrator, on the Estate of Joseph Clark, late of Attleborough, in the County of Bristol deceased, Setting forth that the deceaseds personal Estate is Insol-

Legislative
Records of the
Council, xxiii.,
373.

House Jour-
nal, p. 57.
Province
Laws, ii., 151,
chap. 10.

vant, or not Sufficient to pay his just debts Praying Liberty to sell his Real Estate to enable him to pay said debts.

Read and

Ordered that the Prayer of this Petition be granted,¹ and that the Petitioner be, and he hereby is Authorized in his Capacity of Administrator to make Sale of the Real Estate of the deceased, he observing the Rules of the Law with regard to the Sale of Real Estates by Exors and Administrators, and giving Sufficient Caution to the Judge of Probate for the County of Bristol, to apply the Money arising by said Sale to the Payment of the deceaseds just debts, and Charges of Sale and to Account for the Overplus (if any there be) according to Law. [*Passed June 14.*]

CHAPTER 59.

ORDER IMPOWERING HEZEKIAH PECK, ADM^r, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
373.

House Jour-
nal, p. 57.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hezekiah Peck Administrator on the Estate of Hezekiah Peck late of Attleborough in the County of Bristol deceased Setting forth, that the said deceaseds Personal Estate is insufficient to pay his just Debts, Charges &c^a Praying Liberty to sell so much of said deceaseds Real Estate as will enable him to discharge said debts and necessary Charges.

Read and

Ordered, that the Prayer of this Petition be granted.¹ And that the Petitioner be and he hereby is Authorized and impowered, in his Capacity of Administrator, to make sale of so much of the Real Estate of the said deceased as shall amount to the Sum of Two hundred pounds, Nine shillings and three pence as also the amount of the Charges arising on said Sale, he observing the Directions of the Law with Regard to the Sale of Real Estates, by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of Bristol to apply the money arising by said Sale to the Payment of the deceaseds Debts, and Charges arising on the Sale. [*Passed June 14.*]³

CHAPTER 60.

ORDER ALLOWING £5 TO AMOS MULLIKEN.

Legislative
Records of the
Council, xxiii.,
405. Mass.
Archives,
lxxix., 203.

House Jour-
nal, p. 55.

A PETITION of Amos Mulliken of Bradford Setting forth that he was a Lieutenant in Col^o Bagleys Regiment and Cap^t Edmund Mores Company at Cape Breton, in the Year 1759 That he had leave to come home on the first day of November to which time he was made up in Cap^t Mores Roll, that he got home the twenty eighth of said month, which was 28 days for which he has had no allowance Praying he may be allowed Wages for the said Time.

¹ The House Journal, p. 57, ends here.

² This date is according to the House Journal; according to Legislative Records of the Council the date is June 6.

³ This date is according to the House Journal; according to Legislative Records of the Council the date is June 6.

Read and

Ordered that the Sum of five pounds be allowed out of the Treasury to Cap^t Mullikin for the Use of the Pet^r in full. [*Passed June 14.*¹

CHAPTER 61.

ORDER DIRECTING THE COMMISSARY GENERAL TO SELL PROVINCE STORES IN ALBANY.

A MEMORIAL of Thomas Hubbard Esq^r Commissary General Setting forth, that on the breaking up the last Years Campaign at the Westward, Sundry stores belonging to the Province, were returned by the Sub Commissarys to Albany, and are now there under the Care of Robert Saunders Esq^r That from an Apprehension that the Province would go into some Method to supply the Forces this Year as the last, he hath as yet done nothing with them, but conceives some loss will accrue to the Province, unless Speedy Orders be given about them; He therefore Now Applies himself to this Honourable Court for their direction

Read and

Ordered that the Commissary General be directed to dispose of the Stores belonging to the Province as abovementioned for the most the Same will fetch. He to be accountable to this Court for the proceeds of the Sale of the Same. [*Passed June 14.*

Legislative Records of the Council, xxiii., 406. Mass. Archives, lxxix., 238.

House Journal, pp. 53, 54. *Ante*, p. 531, chap. 418.

CHAPTER 62.

ORDER ALLOWING £3 TO DENNIS O'BRIAN.

A PETITION of Denis Obrian of Swansey in the County of Bristol, Setting forth That he was a Soldier in the Service of the Province, in the Year 1759 to Crown Point, in Cap^t Nathan Hodges Company and Col^o Willards Regiment, that in the Fall, being Released, he delivered up his Gun into the Kings Store at Crown Point aforesaid Notwithstanding which he is kept out of Ten Dollars for the said Gun so returned He therefore prays Allowance for the said Ten Dollars,

Read and

Ordered that the Sum of three pounds be allowed out of the publick Treasury to M^r Bowers for the Use of the Pet^r in full. [*Passed June 14.*

Legislative Records of the Council, xxiii., 407. Mass. Archives, lxxix., 11.

Mass. Archives, lxxix., 11. House Journal, p. 57. Province Laws, iii., 1079, note. *Ante*, p. 247, chap. 89.

CHAPTER 63.

ORDER IMPOWERING ELIZABETH SMITH, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Smith of Charton in the County of Worcester, Widow and Administratrix of the Estate of Jesse Smith late of Charlton aforesaid deceased; Setting forth, that she has Seven Children, all Minors, and she Guardian to them That there

Legislative Records of the Council, xxiii., 407.

House Journal, pp. 19, 55.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 13.

Province
Laws, ii., 151,
chap. 10.
Ante, p. 416,
chap. 134.

is thirty five Acres of Land lying in Walpole, in the County of Suffolk with a House and Barn upon the same, which are growing Worse every day, and are of little or no Profit as it now lies, and that One Third part of said Land belongs to the aforesaid Children She therefore prays she may be enabled to make Sale of the One Third part of said Thirty five Acres of land, in her said Capacity of Guardian

Read and

Ordered that the Petitioner, in her Capacity, as Administratrix be, and she hereby is impowered to make Sale of the Lands, within mentioned, for the most they will sell for, and to make and Execute a good Deed, or Deeds of the same She observing the Directions of the Law, relating to the Sale of Real Estates by Executors, or administrators And giving Sufficient Caution to the Judge of Probate for the County of Worcester that the Proceeds arising by said Sale be put out at Interest for the Benefit of the Children, being minors as is within mentioned. [*Passed June 14.*]

CHAPTER 64.

ORDER ALLOWING £4. 16 TO JOHN PEBBLE.

Legislative
Records of the
Council, xxiii.,
408. Mass.
Archives,
lxxix., 172.

Mass.
Archives,
lxxix., 171.
House Jour-
nal, pp. 40, 56.

A PETITION of John Pebble of Pelham, in the County of Hampshire Setting forth that in the Spring of the Year. 1758. he enlisted himself a Soldier in the Service of the Province in Cap^t Salah Barnards Company, and Col^o William Williams Regiment, That he was taken sick and sent to Albany and remained in the Hospital there, until he was able to do duty, when he was put under the Command of a Connecticut Officer, and was upon Duty untill the Twenty eighth day of October, but was made up in Cap^t Barnards Muster Roll till the Twenty second of August only, which is two months short of the Time he was actually in the Service He therefore prays for a Suitable Relief.

Read and

Ordered that the Sum of four pounds Sixteen Shillings be allowed out of the publick Treasury to the Petitioner in consideration of his being made up that sum short in Cap^t Barnard's Musterroll. [*Passed June 14.*]

CHAPTER 65.

VOTE IMPOWERING SAM^l COLTON, GUARDIAN, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
410.

House Jour-
nal, pp. 56, 58.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Samuel Colton of Springfield, in the County of Hampshire, Yeoman, Guardian to Ephraim Colton minor & son of Ephraim Colton late of said Springfield deceased Setting forth that his Account against said Minor as allowed and Settled by the Hon^{ble} the Judge of Probate for said County exceeds the Personal Estate of said Minor, the sum of Twenty pounds, Eight shillings and one penny three farthings, in addition to which, he has paid nine shillings and seven pence, Fees of the said Office Praying he may be impowered to make Sale of such Part of the Real Estate of said minor, as may enable him to ballance the said Ac-

count, by the Proceeds thereof, and further to Supply the said Minor as Occasion may require

[Read and]

Voted that the Prayer of the Petition be so far granted, as that the Petitioner, in his said Capacity of Guardian, be and hereby is impowered, and Authorized to make Sale of so much of the said minors Land (where it will be least prejudicial to his Interest) as shall be Sufficient to discharge the Debt mentioned, in the Petition, with the Charges arising by the Sale, and to make and Execute a good and Sufficient Deed or Deeds of the same to the Purchaser or Purchasers thereof. He observing the directions of the Law, respecting the Sale of Real Estates by Executors and Administrators and giving Sufficient Caution to the Judge of Probates for the County of Hampshire, that the Proceeds of said Sale, shall be applied for the Payment of said Debt and Charges. [*Passed June 14.*]

CHAPTER 66.

VOTE CONTINUING THE ESTABLISHM^t FOR THE DEFENCE OF THE EASTERN FRONTIER, AND DESIRING THE DISMISSAL OF MEN ON THE WESTERN.

Voted that the Establishment for the Protection and defence of the Eastern Frontier, made on the Twentieth of March last, be continued to the tenth of September next, and that there be pay and Subsistence granted, for one Serjeant and Nine Privates at Madumcook, to begin on the Twentieth of May last and continue the same Time. And that his Honour the Lieutenant Governor be desired to give Orders for dismissing those men posted on the Western Frontiers. [*Passed June 14.*]

Legislative
Records of the
Council, xxiii.,
410.

Mass.
Archives,
lxxix., 241.
House Jour-
nal, p. 57.
Ante, p. 512,
chap. 376.

CHAPTER 67.

ORDER ALLOWING £2. 6. 3 TO JONAS FISK.

A PETITION of Joseph Twitchell of Sherburne in the County of Middlesex, Guardian to Joseph [Jonas] Fisk, a minor Setting forth That the said Jonas Fisk being under the Age of Twenty one Years, inlisted himself into his majestys Service, in Col^o [Abijah] Willards Regiment, and Cap^t William Jones's Company, that he accordingly attended his Duty untill the Regiment was broke up, which was to the Eleventh day of December, but by mistake was made up in his said Captains muster Roll, untill the Second day of november only, which makes a difference of five weeks and four days He therefore prays Allowance may be made him for said Time, amounting to the sum of Two pounds, six shillings and three pence

Legislative
Records of the
Council, xxiii.,
411. Mass.
Archives,
lxxix., 181.

Mass.
Archives,
lxxix., 180.
House Jour-
nal, p. 55.

Read and

Ordered that the Sum of two pounds Six Shillings and three pence be allowed out of the publick Treasury to the Pet^r for the Use of the Minor within mentioned He being made up that Sum short in Cap^t Jones Musterroll. [*Passed June 14.*]

CHAPTER 68.

ORDER ALLOWING £3. 17. 8 TO EPHRAIM CLARK.

Legislative
Records of the
Council, xxiii.,
411. Mass.
Archives,
lxxix., 5.

House Jour-
nal, p. 56.

A PETITION of Ephraim Clark of Hopkinton, in the County of Middlesex Setting forth that he was a Soldier the last Year, in Col^o Abijah Willards Regiment in Cap^t William Jones's Company, was taken Sick at Ticonderoga about two months, and continued so Ten Weeks after his discharge, was obliged to send for help to get him home, which Cost him Three pounds five shillings and four pence, which added to the Doctors and Nurses Bills amounted to Five pounds, Seventeen shillings, and four pence He therefore prays an Allowance for said sum.

Read and

Ordered that the Sum of three pounds Seventeen Shillings and eight pence be allowed out of the publick Treasury to Col^o John Jones for the Use of the Pet^r in full. [*Passed June 14.*]

CHAPTER 69.

ORDER ALLOWING £1. 13. 4 EACH TO BENJ^A PRESBURY, VESPASIAN MILLER AND OBADIAH ALLEN.

Legislative
Records of the
Council, xxiii.,
412. Mass.
Archives,
lxxix., 146.

House Jour-
nal, pp. 37, 55.
Commissions
and Proclama-
tions, 1756–1767,
p. 75.

A PETITION of Benjamin Presbury of Westborough Vespasian miller, and Obadiah Allen of Shrewsbury, all in the County of Worcester Setting forth, that the said Benjamin Vespasian, and Silas Allen a Minor, now deceased, son of the said Obadiah Allen, were Soldiers in the last Years Service in Cap^t Maynards Company, and Brigadier Ruggles Regiment. That they carried their own Arms, being encouraged by his Excellencys Proclamation, that if they were lost in Actual Service they should receive pay for the same, That they were often ordered out on Working Parties with Orders not to carry their Arms with them, That while they were thus employed, they left their Arms in their Tents, that they were Stole, and after Strict Enquiry could not be found They therefore pray Allowance for the same.

Read and

Ordered that the Sum of One pound thirteen shillings and four pence be allowed out of the publick Treasury to Artemas Ward Esq^r for the Use of each of the said Pet^{rs} in full consideration for the Loss of their Guns as above mentioned. [*Passed June 14.*]

CHAPTER 70.

VOTE EXTENDING THE THANKS OF THIS COURT TO THE LIEUT^R GOVERNOR, COUNCIL AND GENERAL ASSEMBLY OF NEW YORK FOR THEIR GENEROUS DONATION.

Legislative
Records of the
Council, xxiii.,
413. Mass.
Archives,
cxvii., 574.

HIS HONOUR the Lieutenant Govern^r having been pleased to communicate to the two Houses a Letter from the honourable M^r De Lancey Lieu^t Governor of N. York acquainting Him that the Assembly of that Province had made a Grant of Two thousand five

hundred pounds for and towards the Relief of the poor Sufferers by the late Fire in the Town of Boston

House Journal, p. 62.

Voted That the thanks of this Court be given to the Lieutenant Governor, Council & General Assembly of the Province of New York for their generous Donation. [*Passed June 16.*]

CHAPTER 71.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON DISBURSEMENT ACCOUNT OF COMMISSARY GENERAL.

THE COMMITTEE appointed to examine the Accompt of Disbursements of Thomas Hubbard Esq^r Commissary General have attended that Service, and find the same right cast and well vouched and that there remains due to the Province Forty three pounds Eleven shillings and two pence. which he is further to account for, By Order of the Committee

Legislative Records of the Council, xxiii., 413.

House Journal, pp. 21, 40.

JOHN PHILLIPS

Read and Accepted

Resolved that the Commissary General be further accountable, for the sum of Forty three pounds eleven shillings and two pence, to the Province. [*Passed June 16.*]

CHAPTER 72.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON SPECIE ACCOUNT OF COMMISSARY GENERAL.

THE COMMITTEE appointed to Examine the within Account of Specie of Thomas Hubbard Esq^r Commissary General have attended that Service, and find the same right cast, and well Vouched, and that there is due from him to the Province Fifty nine Barrells of Pork four barrells of Beef, Twenty six bushells of Pease, and Eighty five Gallons of Molosses, which he is further to account for

Legislative Records of the Council, xxiii., 413.

House Journal, pp. 21, 40. *Supra*, chap. 71.

By Order of the Committee

JOHN PHILLIPS

Read and Accepted.

Resolved that the Commissary General be further accountable to the Province for Fifty Nine Barrells of Pork, four Barrells of Beef, Twenty six Bushells Pease, and Eighty five Gallons of Molosses. [*Passed June 16.*]

CHAPTER 73.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

IN THE HOUSE OF REPRESENTATIVES, The House entered into the Consideration of the Petitions of Sick and Wounded Soldiers, and the follow^s Votes passed Viz^t

Legislative Records of the Council, xxiii., 413.

Voted that the sum of One pound fourteen shillings and Eight pence be allowed out of the Publick Treasury, to Col^o Whitcomb for the use of the Petitioner Jonas Moore in full, The sum of

House Journal, p. 61.

Three pounds Eighteen shillings (exclusive of the Doctors Bill) to be allowed out of the Treasury to Captain Lovett for the use of the Petitioner Benoni Benson, in full, The sum of Three pounds fifteen shillings to be allowed out of the Treasury, to Cap^t Lovett, for the use of the Petitioner, John Rockwood in full. The sum of Two pounds Eighteen shillings to be allowed out of the Treasury to M^r Keen, for the use of the Petitioner, John Turner in full.

In Council Read and Concurred. [*Passed June 17.*]

CHAPTER 74.

ORDER DIRECTING THE PROVINCE TREASURER TO RECEIVE MONEY FROM PAY MASTER GEN^l & GIVE RECEIPT.

Legislative
Records of the
Council, xxiii.,
415.

House Jour-
nal, pp. 58, 65,
66. Province
Laws, iv., 363,
note.

UPON HIS HONOURS MESSAGE of the fourteenth Instant [the following Vote pass'd, *viz.*] ¹ Whereas his Excellency James Abercrombie Esq^r on the fifth June 1758, Issued a Warrant to Abraham Mortier Esq^r Paymaster General, in favour of his Excellency Thomas Pownall Esq^r for Four Thousand Eight hundred, and Ninety three Dollars, and three Quarters, to reimburse this Province what had been Advanced towards billeting the Troops in that Year, before they received the Kings Provisions But at the same time Ordered said Pay master, not to discharge said Warrant, unless the Province would submit to a Deduction of £316.4 Sterling which he said a Number of Carpenters had expended in their march, from the Province of new Hampshire to Statton Island, in the Government of New York, more than the Kings Allowance, And Also to the further deduction of £201.10.9 Sterling. for Stoppages said to be due, from the massachusetts Regiment, to his majestys Hospital Anno 1757 & 1758, Which Charges the two Houses, apprehended were without any Foundation, especially the first, and therefore declined receiving any Part of said Warrant, as they could not receive such Part, without giving a discharge for the whole But notwithstanding as the Demands on the Government are very pressing, and that there is no present Remedy in this Case

Ordered that the Treasurer of this Province be, and he is hereby directed to receive from the Paymaster, or his Agents Two thousand Six hundred, and Seventy five Dollars, being what remains on the Warrant aforesaid, after the said deductions and to give a discharge for the whole Number being 4,893¾ Dollars said Treasurer to be accountable for no more than the 2,675 Dollars And in Order to Obtain Payment of the remaining sum of £517.11.9 Sterling The Secretary is directed to Transmit to M^r Agent Bollan, Copies of all the Papers Relative to this affair. [*Passed June 17.*]

¹ Inserted from the House Journal, p. 65.

CHAPTER 75.

VOTES EXTENDING THE TIME FOR ENLISTING THE 500 MEN FOR NOVA SCOTIA AND THE 5000 MEN FOR THE WESTERN SERVICE.

Voted that the time for the Inlistment of the 500 Men to Serve at Nova Scotia and Louisburgh which expir'd the 15th Instant be continued till the 30th Curr^t

Voted also that the time for the Inlistment of the 5,000 Men destined for the Western Service be continued till the 30th Curr^t. [*Passed June 17.*]

Legislative
Records of the
Council, xxiii.,
417. Mass.
Archives, ex.,
24.

Mass.
Archives, ex.,
22. House
Journal, p. 66.
Ante, p. 567,
chaps. 1, 2.

CHAPTER 76.

ORDER IMPOWERING ANNE TOWN, ADM^x, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Anne Town, of Charlton in the County of Worcester Setting forth that she is a poor Widow with four small Children and has nothing to Support them, but about Seventy Acres of land chiefly unimproved, with a small House unfit to live in said land lies in Cold Spring (so called) in the County of Hampshire. Praying she may be impowered, as she is Administratrix to her late Husband to make Sale of the above said land, to enable her to bring up said Children till they can be put out to Service, and what remains, the use of One Third for her the Petitioner, and the rest for the use of the Children when they arrive to age.

Read and

Ordered that the Petitioner be impowered to Sell the Seventy Acres of land within mentioned, for the most the same will sell for, and to Execute a good Deed, or Deeds of the same, she observing the Law respecting the Sale of lands by Executors and Adminors and first giving Caution to the Judge of Probate, for the County of Worcester, that the use of One Third part of the Proceeds of such Sale be to the Widow of said deceased, during her natural Life; That the two Thirds be applyed (so far as shall be necessary) for the Support of the said deceaseds Children, and that the Remainder (if any such there be) together with the Principal Sum (the use whereof is herein before Assigned to the Widow) be secured for the Benefit of said Children, or their legal Representatives, after her decease and that she account with the Judge of Probate, of the County of Worcester, for the time being, for and touching her proceedings, in the Premisses. [*Passed June 18.*]

Legislative
Records of the
Council, xxiii.,
419.

House Jour-
nal, pp. 59, 63.
Province
Laws, li., 151,
chap. 10.

CHAPTER 77.

RESOLVE DIRECTING REV. ABRAHAM HILL TO MAKE A NEW RECORD OF THE PROCEEDINGS OF PROPRIETORS OF PEQUOAG.

A PETITION of Abraham Hill, and John Caldwell, Proprietors of the common and undivided Lands, in Pequoiag, so called, in the County of Worcester Setting forth, that the said place called Pequoiag hath been Settled upwards of Twenty years, hath at this

Legislative
Records of the
Council, xxiii.,
386. Mass.
Archives,
cxvii., 580.

Mass. Archives, cxvii., 578. Legislative Records of the Council, xxiii., 419. House Journal, pp. 40, 44, 69. Province Laws, iv., 860, 861, notes.

Time near Fifty Families, and have had a minister Settled about Ten years. That from the beginning of the Settlement till about two years ago, Joseph Lord Esq^r acted as Proprietors Clerk, and kept all the Records, and Proceedings of said Propriety, All the Grants, Surveys, and layings out of lands within the same, He was the Treasurer, the greater part of the Time, and received all the moneys collected by Taxes, or for Sales of Delinquent Proprietors Land, and is probably supposed to be largely in arrear to them on that Account That in June 1758 A new Treasurer, and a new Clark were Chosen, and the said Joseph Lord refusing to deliver up, the Books and Papers of the Propriety, An Action was Commenced against him therefor and at the Inferior Court held at Worcester, in november last The Proprietors recovered Judgment for the said Books and Papers to be delivered to them or in default thereof Execution to Issue for the sum of One Thousand Pounds lawfull money But before the said Judgment was rendered the said Joseph Lord absconded, and hath ever since been out of this Province, hath never delivered up the said Books and Papers, but kept¹ the same, nor hath left Estate to a quarter Part of the Damage recovered,

Thus the Petitioners are deprived of their Records, and those who held their Several Possessions, as Original Proprietors, or have purchased the Lands of delinquent Proprietors, left without their proper and needfull Proofs, and x¹ are in the utmost Danger of runing into total Confusion,

The Petitioners therefore pray for direction and Relief, in a Case so singular Circumstanced,

[Read and]

Resolved that the present clerk of the s^d proprietors the rev^d M^r Abraham Hill be and hereby is directed to make a new book of the records of said proprietors during the time that the s^d Joseph Lord was proprietors clerk from the minutes that may appear of transactions in that time and from the remembrance of the proprietors and after he hath finished the same that he lay it before the said proprietors at some proper meeting for that purpose warned and then that he do lay the same before this court to the end this court may then determine whether it shall be established as the records of the s^d propriety. [*Passed June 18.*²

CHAPTER 78.

VOTE TO EMPLOY A CARRIER TO RIDE BETWEEN BOSTON AND ALBANY.

Legislative Records of the Council, xxiii., 421. Mass. Archives, lxxxviii., 371. House Journal, p. 70.

Voted that a Carrier be employed to ride from Boston to Albany and back again to Boston once in every fortnight during the present Campaign to carry the several publick Dispatches that may be necessary to be Sent. And also that the said Carrier carry to and from the Soldiers in the Service of this Province such Letters as they may write home and as may be Sent to them.

And that such Carrier be allowed for every such Journey and duely performing the Same the sum of Six pounds out of the publick Treasury. [*Passed June 18.*

¹ *Sic.*

² A similar order is entered in Legislative Records of the Council, xxiii., 386, under date of June 11; evidently a mistake of the Secretary as it appears in that volume again, as well as in Mass. Archives and the House Journal, under date of June 18.

CHAPTER 79.

VOTE ALLOWING ELIJAH NILES FOR A GUN.

A PETITION of Daniel Niles Setting forth That his son Elijah Niles, was a Soldier in Cap^t Lemuel Bents Company in Col^o Willards Regiment, That he returned his Gun into Cap^t John Fellows at Crown Point, on the 25th day of November last past, and was taken Sick in the Woods, but got to N^o 4: and there dyed he¹ had for the Gun was lost Praying that he may be allowed the money that was Stopped out of his Sons Wages for said Gun.

Legislative
Records of the
Council, xxlii.,
421. Mass.
Archives,
lxxix., 244.

House Jour-
nal, pp. 63, 69.

Read and

Voted that the Stoppage for the Gun mentioned be taken off and the Pet^r is allowed the Sum so stopped out of the publick Treasury.
[*Passed June 18.*]

CHAPTER 80.

VOTE IMPOWERING NATH^l ROGERS AND MARY HIS WIFE, ADM^{rs}, TO
SELL REAL ESTATE.

A MEMORIAL of Nathanael Rogers of Ipswich, and Mary his Wife, Administrators of the Estate of M^r Daniel Staniford late of Ipswich aforesaid, Setting forth, That M^r Staniford aforesaid, at his decease, left a Dwelling House and Barn with a Quarter of an Acre of land Adjoyning Situate in Ipswich aforesaid Appraized at One hundred and six pounds, Thirteen shillings and four pence, That the said House is very old, and the heirs very young, that the Repairs will amount to a great part of the Rent besides the buildings always being liable to Fire, and being perswaded it will be much for the benefit of the heirs to have the said Buildings and land sold, and the money with the Use of it Secured to them, and having an Oppertunity now to sell the same, for an hundred and forty three pounds six and eight pence Therefore pray they may be im-
powered to sell and Convey by good and Lawfull Deed, or Deeds of Sale, the Buildings and Land aforesaid, and account therefor according to Law.

Legislative
Records of the
Council, xxlii.,
422. Mass.
Archives, xix.,
699.

Mass.
Archives, xix.,
698. House
Journal, pp. 57,
70. Province
Laws, ii., 151,
chap. 10.

[Read and]

Voted, That the Prayer of the Petition be granted; and that the Petitioners be, and they are hereby impowered to make Sale of the House, Barn and Land mentioned in said Petition for the most they will fetch; and to give and execute a Deed or Deeds of the same; they first observing such Rules as the Law prescribes for the Sale of the Estate of Intestates by administrators: and also give Bond to the Judge of Probate for the County of Essex with sufficient Surety to account for [the]² neat Proceeds of such Sale, and for the Interest that may arise thereon, for the Behoof and Benefit of the said Staniford's Heirs. [*Passed June 18.*]

¹ *Sic.*

² Inserted from Legislative Records of the Council, xxiii., 422.

CHAPTER 81.

ORDER ALLOWING £4 TO JEREMIAH CAMPBELL.

Legislative
Records of the
Council, xxiii.,
424. Mass.
Archives,
lxxix., 242.

House Jour-
nal, pp. 62, 71,
72.

A PETITION of Jeremiah Campbell of Abington, Setting forth that he inlisted himself a private Soldier in April, 1759, and went to St Johns, in Nova Scotia, in Cap^t Parkers Company and Col^o Frys Regiment, and there tarried untill December 11th 1759, That, he was then discharged by Col^o Arbuthnott, and ordered aboard one Cap^t Simpson to be carried to Boston, as he thought without Charge, but the Cap^t put him ashore at Arowsick, and your Petitioner was Obligated to pay two Dollars for his passage, and two Dollars more to get home. And as Cap^t Parker has not made up his Muster Roll your Petitioner Prays he may be allowed Four pounds Wages and the four Dollars which he expended.

Read and

Ordered that the Sum of four pounds be allowed out of the publick Treasury to M^r Woodbridge Brown for the Use of the Pet^r The said Brown to be Accountable to the Treasurer for the Same Sum if it Shall appear upon the Musterroll when made up that the four pounds granted is not due to the Petitioner. [*Passed June 19.*]

CHAPTER 82.

ORDER APPOINTING A COMMITTEE ON THE COMPLAINT OF JOHN SQUAM & OTHERS, INDIANS, IN REGARD TO THEIR WAGES.

Legislative
Records of the
Council, xxiii.,
424. Mass.
Archives,
xxxiii., 139.

Mass.
Archives,
xxxiii., 138.
House Jour-
nal, p. 72.

A PETITION of John Squam, Aaron Moses Benjamin Wickett, Indians, and Moses Jackson, Servant to Benjamin Chadwick, Setting forth that they inlisted into his majestys Service in the Campaign, the last Year for the total Reduction of Canada, and were unhappily put under the Command of Lieutenant Joseph Ingley of Taunton, and were constrained by him, without any valuable consideration to sign orders upon the Province Treasurer, to receive their respective Wages That the said Ingley in consequence of such Orders, received their Wages, and refuses to pay them any part thereof, so that they have lost all their Wages for last years Service, and that they have no money to prosecute him in Common Law They therefor Pray Relief.

In the House of Rep^{es}

Read and

Ordered that Col^o Choate M^r Lancaster and Col^o Williams with such as the Hon^{ble} Board shall appoint be a Committee to take this Petition under consideration, and make report as soon as may be The said Comm^{ee} are hereby impowered to send for the within named Lieutenant Joseph Ingley before them to give answer to the Complaint mentioned

In Council Read and Concurred and Will^m Brattle and Gam^l Bradford Esq^{rs} are joined in the Affair. [*Passed June 19.*]

CHAPTER 83.

VOTES DESIRING THE LIEUT GOVERNOR TO HAVE ACCOUNTS PREPARED AND SENT TO WM. BOLLAN, AGENT, AND TO HAVE SEPARATE ACCOUNT OF EXPENSE OF GARRISONS AT LOUISBURG AND NOVA SCOTIA PREPARED.

WHEREAS this Court have appointed a Committee to prepare and liquidate the Accounts, and other Papers, proper to be sent to M^r Agent Bollan, and make report to this Court; but as its probable said Committee will not be able to make Report in the present sitting, and it being necessary that some of said Accompts, and other Papers should be immediately sent Therefore

Voted that his Honour the Lientenant Governor be desired to employ some suitable Person to prepare, and liquidate such Accounts as are necessary to be immediatly sent to M^r Agent Bollan, and that when said Accounts are ready, his Honour be desired to direct the Secretary to forward them, together with the other necessary Papers, as soon as may be

And Whereas it has been necessary for his majesty's Service, that the Troops of this Province employed the last year at Louisbourg, and Nova Scotia (whose Time of Service expired the first of November last) should continue there, and accordingly have continued there during the Winter, and Spring past, which has occasioned a very heavy and unexpected Charge upon the Province, which it is reasonable should be wholly reimbursed out of the last Parliamentary Grant to the Colonies

Voted that his Honour be desired to cause an Account of such Charge to be prepared, Seperate from the other Accounts aforesaid, and transmit the same to M^r Bollan, in order that he may Solicit Payment for the whole of such Extra Charge out of the Parliamentary Grant aforesaid, before any part of said Grant be apportioned among the Colonies aforesaid. [*Passed June 19.*]

Legislative Records of the Council, xxlii., 425.

Legislative Records of the Council, xxlii., 417, 419. House Journal, pp. 72, 73. Province Laws, iv., 581, chap. 10; 630, note. *Ante*, p. 544, chap. 448.

CHAPTER 84.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

AN ACCOUNT presented by Samuel Epes Esq^r Treasurer of the County of Essex for the last Year, Having been by him laid before the Court of General Sessions of the Peace for said County, and by them allowed.

Read and

Ordered that the within written Accompt be allowed, and that the Treasurer be discharged the sum of One hundred Eighty eight pounds, six shillings, and eight pence, half penny And that he be further accountable to said County for the sum of two hundred Eleven pounds, Thirteen shillings, and three pence being the Balance of this Account. [*Passed June 19.*]

Legislative Records of the Council, xxlii., 426.

House Journal, pp. 10, 72.

CHAPTER 85.

VOTE ALLOWING £1,100 TO THE SELECTMEN OF THE TOWN OF BOSTON.

House Journal, p. 35.
Mass. Archives,
lxxxvii., 92.

Legislative
Records of the
Council, xxiii.,
426. House
Journal, pp. 35,
41, 54. Province
Laws, iv.,
440, note.

A PETITION of the Select-men of the Town of *Boston*, praying the Taxes impos'd upon the said Town, may be abated, for the Reasons mentioned.

[Read and]

Voted, That the Sum of eleven Hundred Pounds be granted and paid out of the publick Treasury of this Province to the Town of Boston, in Lieu of any Abatement on their Proportion of the Province Tax, on account of their Losses by the Fire on the twentieth of March last; the same to be applied to the Abatement of the Taxes of the particular Persons who have sustained Losses by said Fire, in such Proportion as the Assessors of said Town shall determine. [*Passed June 19.*]

CHAPTER 86.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF BENJAMIN CARARY IN REGARD TO WAGES OF HIS SON.

Legislative
Records of the
Council, xxiii.,
426. Mass.
Archives,
lxxix., 243.

Mass.
Archives,
lxxix., 243.
House Journal,
p. 72.

A PETITION of Benjamin Carary of Uxbridge Setting forth that John Carary, A minor son of the said Benjamin was in his majestys Service, in the Pay of this Province in the Year 1759 in Cap^t John Furnass's Company That upon Application being made to said Furnass, for his Wages, was informed there was nothing due to him, That there was a general Complaint against the said Cap^t Furnass the same Year among the Soldiers under his Command, that they were wronged Your Petitioner therefore prays he may be relieved.

In the House of Rep^{ues}

Read and

Ordered that Col^o Choate M^r Lancaster and Col^o Williams with such as the Hon^{ble} Board shall app^t take this Petⁿ under consideration and make report as soon as may be

The said Comm^{ee} are hereby impowered to to¹ Send for the within named John Furnass before them to give answer to the Complaint mentioned

In Council Read & Concurred and Will^m Brattle & Gam^l Bradford Esq^{ts} are joined in the Affair. [*Passed June 19.*]

¹ *Sic.*

CHAPTER 87.

ORDER FORBIDDING THE PROVINCE TREASURER MAKING ANY FURTHER PAYMENTS ON THE MUSTER ROLLS OF CAPTS ISAAC WYMAN, SETH HUDSON OR LIEUT GAD CHAPIN.

IN THE HOUSE OF REPRESENTATIVES, The House being informed that one Roll has been made up by Cap^t Isaac Wyman for billeting Troops at West Hoosuck the Year past; and another by Seth Hudson for a considerable part of the same time

Ordered that the said Hudson, and Wyman attend this Court the first Friday of the next Sitting thereof And that the Treasurer be directed not to make any further Payments on said Rolls, or on the Roll of Lieutenant Gad Chapin, in the mean Time.

In Council Read and Concurred. [*Passed June 19.*]

Legislative
Records of the
Council, xxiii.,
427.

House Jour-
nal, p. 74.
Ante, p. 526,
chap. 406.

CHAPTER 88.

VOTE IMPOWERING HANNAH AND PELATIAH WARE, EXECUTORS, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Ware, Peletiah Ware, Wareham Warner Hannah Warner, John Crage and Hayward Smith, Setting forth, That your Petitioners Viz^t Pelatiah Ware, Wareham Warner and Hannah Warner, are Children and heirs of Beriah Ware late of Wrentham deceased, and of full Age, That your other Petitioners Viz^t Hannah Ware John Crage, and Hayward Smith are Guardians of Beriah Ware, Margaret Ware, Unity Ware Children, and Abigail Smith a Grand child, and all heirs to the Estate of the said Beriah Ware deceased. That the said deceased by his last Will, gave his Real Estate to be divided among his Six Children, that none of the Children who are of Age incline to have it Settled on them, and that it is very unlikely any of the others when they come of Age, will desire said Estate may be Settled on them, that those who are now of Age want their parts of the Estate to enable them to begin the World, and that it would be a great Damage to the whole of it should be sold seperately They therefore pray Liberty to sell the whole of said Real Estate and the Proceeds of the same equally to be divided among the heirs, according to the last Will and Testament of the deceased.

[Read and]

Voted that the Prayer of the Petition be granted, and that the Petitioners, Hannah Ware, and Peletiah Ware the Executors of the last Will and Testament of Beriah Ware deceased in their said Capacity, be and hereby are fully Authorized and impowered to make Sale of the Real Estate mentioned in said Petition, for the most it will fetch, and to Execute a good Deed or Deeds of Conveyance for the same, in Law, to the Purchaser, they observing the directions of the Law, for the Sale of Real Estates and giving Sufficient caution to the Judge of Probates for the County of Suffolk, that the moneys arising by the Sale thereof be divided Among the Legatees of the said Beriah, according to his last Will and Testament. [*Passed June 19.*]

Legislative
Records of the
Council, xxiii.,
428.

House Jour-
nal, p. 68.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 89.

ORDER ALLOWING £20 TO W^M THAYER.

Legislative
Records of the
Council, xxiii.,
429. Mass.
Archives,
lxxix., 213.

Mass.
Archives,
lxxix., 212.
House Jour-
nal, pp. 56, 75.

A PETITION of William Thayer of Braintree Setting forth that he was inlisted into his majestys Service in the Year 1755 in Col^o Winslows Regiment, and Cap^t Thomas Cobbs company, and went to Nova Scotia was at the taking of Fort Cumberland, where he served his majesty faithfully, That he received a Wound in one of his Legs, and by the extream Hardships of the Service was taken with the Camp Fever which settled in the Wound and rendered it incurable, was finally Obligated to have his Leg cut off, after a long time was brought home Sick, and continued so a long time after, That he has petitioned for Relief Several ways, but has never been able to obtain any Your Petitioner therefore prays an Allowance may be made him,

Read and

Ordered that the Sum of twenty pounds be allowed the Pet^r out of the publick Treasury in consideration of the Loss of his Legg and other Sufferings within mentioned. [*Passed June 19.*]

CHAPTER 90.

ORDER ALLOWING £1 TO W^M DAVENPORT.

Legislative
Records of the
Council, xxiii.,
429. Mass.
Archives,
lxxix., 125.

House Jour-
nal, pp. 55, 75.

A PETITION of William Davenport Setting forth That he was a Soldier in his majestys Service, under the Command of Cap^t Clarke Pain, in the Year 1759, untill he went to Albany, That he was then drafted out of the Regiment to serve as a Carter and remained so the whole of his Service. That there was a mistake in making up the muster Roll, and that his Wages were made up only for Thirteen pounds eight shillings and five pence and that he was in the Service Eight months, two Weeks and three days which amounts to Fifteen pounds nine shillings and Seven pence, one farthing

Praying Allowance therefor, likewise for his billeting money, travelling home from the Army, and the Bounty that was allowed to other Soldiers who was Impressed tho' not intituled to it by Proclamation.

Read and

Ordered that the Sum of One pound be paid out of the publick Treasury to the Pet^r in full to be paid to Cap^t King. [*Passed June 19.*]

CHAPTER 91.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxiii.,
431.

House Jour-
nal, p. 77.

Voted that all matters now before this Court, that shall not be passed upon this Session have the same day, at the next Sitting of this Court. [*Passed June 19.*]

CHAPTER 92.

ORDER ALLOWING £38. 11. 6 TO LIEUT SAMUEL REED.

A PETITION of Samuel Reed of Lexington, in the County of Middlesex, Setting forth that he was a Lieutenant, in the last Years Campaign, in Captain Tapleys Company and Col^o Fry's Regiment, That your Petitioner was Ordered to tarry at Castle William to take care of the Sick Soldiers there, was Ordered to Louisbourg where he did duty as a Lieutenant in Cap^t Edward Blacks Company, and Col^o Bagleys Regiment untill the first day of november, but was not made up in any muster Roll till that time Praying Allowance

Read and

Ordered that the Sum of thirty eight pounds eleven Shillings and six penies be allowed the Pet^r out of the publick Treasury in full consideration for his Wages within mentioned. [*Passed June 20.*]

Legislative
Records of the
Council, xxiii.,
420. Mass.
Archives,
lxxix., 211.
Mass.
Archives,
lxxix., 211.
House Jour-
nal, pp. 37, 75.

CHAPTER 93.

ORDER ALLOWING £32 TO ABIEL ABBOT.

A PETITION of Abiel Abbot of Andover, Setting forth that he was one of the Surgeons mates, in Col^o Frys Regiment, in the Detachment commanded by Col^o Hoar that he entered into pay the last day of march last was Twelve months, That the tenth day of may last, he had Liberty from Col^o Hoar to return home, and then expected the Staff Roll would have been made up to the first of November, but on Enquiry finds it otherwise, and standing in need of Cash at this time Prays he may be allowed to receive a Part, or the whole of his Wages, as Surgeons mate aforesaid.

Read and

Ordered that the Sum of thirty two pounds be allowed and paid out of the publick Treasury to the Pet^r He to be accountable for that Sum when the Muster roll shall be made up. [*Passed June 20.*]

Legislative
Records of the
Council, xxiii.,
431. Mass.
Archives,
lxxix., 237.
Mass.
Archives,
lxxix., 236.
House Jour-
nal, p. 59.

CHAPTER 94.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

A PETITION of Dominicus Jordan of Falmouth, in the County of York Setting forth, That on the Thirtieth day of August 1758. he was sent by Express orders from Samuel Waldo Esq^r Colonel of the Regiment, for the Relief of S^t Georges then attacked by the Indians. That he and the Men under his Command, being One hundred and thirty five, in the whole, inclusive of Officers, spent six days in said Service Praying Allowance for himself and the Company under his Command

Read and

Ordered that there be allowed, and paid out of the Publick Treas-

Legislative
Records of the
Council, xxiii.,
432.
House Jour-
nal, pp. 75, 77,
78.

ury to the said Dominicus Jordan, One pound and six pence and to Cap^t Samuel Skillins the same sum To the Lieutenants & Ensigns Thirteen shillings, and six pence each To the Serjeants Seven shillings each And to the Privates born on the Roll annexed to the Petition five shillings and one penny each And that the aforesaid sums be in full consideration for their respective Services in the march of six days, to the Relief of S^t Georges, by order of Samuel Waldo Esq^r their Colonel The aforesaid sums to be paid to Col^o Waldo, for the use of the Persons mentioned. [*Passed June 20.*]

CHAPTER 95.

ORDER IMPOWERING JOHN CARNES, ADM^r, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiii.,
433.

House Jour-
nal, p. 78.
Province
Laws, ii., 151,
chap. 10.

A PETITION of John Carnes of Rehoboth, in the County of Bristol Clerk, and sole Administrator, of the Estate of John Carnes, late of Boston in the County of Suffolk Esq^r deceased Setting forth that the said John Carnes died about two months since Intestate, and Seized of a Considerable Real Estate, in Boston aforesaid, over and above his personal Estate, which was Sufficient to pay his Debts That he left four Sons, and six Daughters, all of whom except one Daughter, are of Age he also left a Grand child now about four months old Daughter of Sarah Cross, another of the Intestates Daughters who died about three months since That said Real Estate will not admit of a Division, without Prejudice to the whole That the Children of said Intestate who are of lawful age, are entitled to nine Eleventh parts of said Real Estate, and are desirous of Selling the same, and could now dispose of the whole Estate to great Advantage, but Hepzibah the youngest Daughter and the minor aforesaid cannot join, in Conveying their Interest in said Estate, without which the same cannot be sold, and as said Hepzibah has nothing else to Support her, and it will be a much greater Benefit to said Hannah Cross the minor, to have Produce of her Share of said Estate put out at Interest, than to keep the same, till she comes of Age He therefore Prays, he may be empowered to sell and Convey said two Eleventh parts belonging to his Sister under Age, and said minor, and that the Produce thereof may be secured and improved for their Benefit.

Read and

Ordered that the Prayer of the Petition be granted, and that the Petitioner be empowered in his Capacity of Administrator, to make Sale of two Eleventh parts of the Real Estate of the Intestate belonging to the two minors mentioned, and to give good and Sufficient Deed or Deeds for the same He observing the directions of the Law relating to the Sale of Real Estates, by Executors and Administrators, and giving Sufficient caution to the Judge of Probates, to account for the money arising by said Sale according to Law. [*Passed June 20.*]

CHAPTER 96.

VOTE IMPOWERING GAWEN BROWN TO EXECUTE A DEED.

A PETITION of Gawen Brown, Setting forth That he married Mary Flagg one of the Daughters of Eleazer Flagg late of said Boston deceased, whose Real Estate would not admit of a Division among his heirs without great prejudice to the same, and was convenient for two Settlements only, That one of said Settlements consisting of a Farm in Lancaster, in the County of Worcester with the Buildings thereon containing about Ninety eight Acres, another peice of land containing about Six Acres, and another about three Acres, the whole appraised as the Law directs at One hundred. and Forty two pounds, thirteen shillings and four pence, was Settled upon your Petitioners Wife Mary, and your petitioner thereupon gave Bond with Sureties, in the Probate Office for the County of Suffolk to pay the other heirs or legal Representatives of the said deceased their respective Shares, or Parts of said sum, amounting in the whole to One hundred twenty two pounds five shillings and Seven pence half penny so that there was left for the said marys Share only the sum of Twenty pounds seven shillings and Seven pence farthing. That your Petitioner with his wife had Agreed with M^r Gershom Flagg, to Convey to him the Premisses aforesaid to enable him to discharge the said Bond, and pay off the other heirs, their Proportion, and the said Mary had actually received of the said Gershom, her full part and share of the Purchase consideration. That the said Mary dyed before she had Time to Execute a Deed of Conveyance of the Premisses to the said Gershom Praying he may be admitted to execute a good and Legal Deed of Sale of the said Premisses to the said Gershom Flagg, that so he may receive the remaining Part of the purchase consideration and be enabled to pay off the heirs of the said Eleazer, without Subjecting his own Estate to the same.

[Read and]

Voted that the Prayer of the Petition be granted, and that the said Gawen Brown be Authorized and impowered to make and execute a good and Sufficient Deed of the Lands mentioned in said Petition, to the said Gershom Flagg, the death of marys Wife Notwithstanding he having already given Sufficient Caution to the Judge of Probates for the County of Suffolk, that the money arising from the Sale thereof be duly applied. [*Passed June 20.*]

Legislative
Records of the
Council, xxiii.,
434.

House Jour-
nal, pp. 48, 49,
65.

CHAPTER 97.

VOTE ACCEPTING REPORT OF COMMITTEE AND ALLOWING THE ACCOUNT OF THE PROVINCE TREASURER FROM MAY 25, 1757, TO MAY 31, 1758, AND DISCHARGING HIM OF £312,502. 8. 4.

THE COMMITTEE to whom was referred the Examination of the Accounts of Harrison Gray Esq^r Treasurer and Receiver General of his Majesty's Revenues, within the Province of the Massachusetts Bay in New England beginning the 25th May 1757 ending May 31st 1758 having attended that Service upon examining the said Accompts, find them right cast, and well vouched, by which it

Legislative
Records of the
Council, xxiii.,
436.

Mass.
Archives,
cxxv., 16–31.
House Jour-

nal, pp. 27, 184,
185 (January,
1759). Prov.
ince Laws, iv.,
5, chap. 1.

appears, that the said Accomptant charges himself with the sum of Thirty One Thousand, seven hundred and thirty five pounds, fourteen shillings, being so much due for Taxes, as represented by his last Accompt Also with the sum of Ninety two Thousand thirty three pounds two shillings and two pence, the ballance due from him by his last Accompts Also with a Tax of Eighty four Thousand nine hundred forty three pounds, eight shillings and ten pence, levied upon Polls and Estates by an Act of the General Court, at their Session in May 1757 Also with the sum of One hundred, and eighteen Thousand, six hundred and forty three pounds, fifteen shillings and seven pence; being Monies borrowed of sundry Persons, by Virtue of Sundry Acts of the General Court. Also with the sum of two Thousand eight hundred pounds, fifteen shillings and ten pence received of the Hon^{ble} Daniel Russell Esq^r Commissioner of Impost; Also with two hundred Ninety five pounds fifteen shillings and six pence, received of several Towns for Tonnage upon Coasting Vessells Also with thirty pounds received of John Worthington Esq^r being the ballance due from him, for Subsistence of the Soldiers Also with Thirteen hundred, Seventy two pounds thirteen shillings and nine pence, received of the Hon^{ble} Committee of War, by a Bill of Exchange drawn by Christopher Kilby Esq^r Also with the sum of Six Thousand and eighty two pounds nineteen shillings and eleven pence, received of Sundry Farmers for the Excise upon Spirituous Liquors. Also with the sum of Twelve hundred Ninety two pounds thirteen shillings and four pence received of Charles Apthorp & Thomas Hancock Esq^{rs} being a Donation of Sir Peter Warren. Also with the sum of Eight hundred, eighty nine pounds four shillings and nine pence, received of Sundry Collectors & Farmers, upon Tea, Coffee &c^a Also with the sum of Seven pounds six shillings and six pence received for Fines Also with the sum of three hundred ninety four pounds, sixteen shillings, and eight pence, received of his Excellency Charles Lawrence Esq^r towards supporting the French neutrals all which sums amount to Three hundred Forty Thousand five hundred twenty two pounds, six shillings and ten pence,

The Committee further find that the said Accomptant dischargeth himself by sundry Payments and Disbursements, by Order of the Governor, by and with the Advice of the Council, Amounting to One hundred seventeen Thousand three hundred thirteen pounds seven shillings and ten pence Also by Sundry Government Securities burnt by the Hon^{ble} Committee of the General Court, Amounting with Interest to One hundred thirty seven Thousand four hundred sixty three pounds, one shilling Also with five hundred and six pounds, thirteen shillings and four pence, an Abatement made the Town of Sherburne of their Taxes, for the Year 1756 Also with a Bill of Exchange remitted M^r Bolland, Thirteen hundred seventy two pounds, thirteen shillings and nine pence. Also with Twenty seven hundred, Sixty two pounds, Nineteen shillings and ten pence, One Year Interest paid sundry persons, on Government Securities also by Taxes still outstanding, amounting to Forty three Thousand eighty four pounds, two shillings and seven pence, and by ballance in hand further to Account, for Thirty eight Thousand and nineteen pounds, eight shillings and six pence, amounting in the whole to Three hundred, forty Thousand, five hundred, twenty two pounds six shillings and ten pence

T: HUBBARD p order

In the House of Representatives,

This House taking under consideration the foregoing Account of M^r Treasurer Grays, presented to the General Court August the 1st 1758, but not by said Court then accepted, by reason of some Disagreement between the two Houses, in Point of Form, which may be attended with great Inconvenience to the Province, if not timely prevented Wherefore

Voted that the said Account of Harrison Gray Esq^r Treasurer of this Province, be allowed, and that the said Treasurer be, and he hereby is discharged of the several sums within mentioned, amounting to Three Hundred, and twelve Thousand, five hundred, and two pounds, eight shillings and four pence, and that the ballance thereof being Thirty eight Thousand, Nineteen pounds, eight shillings and six pence, the said Treasurer be further accountable to the Province for.

In Council Read and Concurred. [*Passed June 20.*]

CHAPTER 98.

VOTE ALLOWING THE ACCOUNT OF THE PROVINCE TREASURER FROM MAY 31, 1758, TO MAY 31, 1759, AND DISCHARGING HIM OF £336,865. 7. 1.

THE COMMITTEE to whom was referred the Examination of the Accounts of Harrison Gray Esq^r Treasurer and Receiver General within the Province of the Massachusetts Bay, in New England, beginning the 31st of May 1758, ending the 30th May 1759, having attended that Service upon examining the same, find them right cast, and well vouched, by which it appears that the said Accomptant chargeth himself with the sum of, Forty three Thousand Eighty four pounds, two shillings, and seven pence, being so much due for Taxes, as represented by his last Account, Also with a Tax of Eighty two Thousand, One hundred Ninety pounds, six shillings, and eight pence levied upon Polls and Estates, by an Act of the General Court, at their Session in May 1758 Also with the sum of Thirty eight Thousand, Nineteen pounds, eight shillings and six pence the ballance due from him by last. Account Also with the sum of One hundred, fifty Thousand, One hundred and five pounds, Nineteen shillings, and seven pence, being monies borrowed of sundry persons, by Virtue of sundry Acts of the General Court. Also with the sum of Thirty hundred, Ninety seven pounds, twelve shillings and nine pence received of the Hon^{ble} Daniel Russell Esq^r Commissioner of Impost Also with the sum of Eight pounds eight shillings and two pence, received of Roland Cotton Esq^r for the neet Proceeds of Canoes, belonging to Nova Scotia Inhabitants Also with the sum of Fifty six pounds, one shilling, and six pence, received of several Towns for Tonnage upon Coasting Vessells Also with Eleven hundred forty four pounds, thirteen shillings, and nine pence short paid upon a Warrant, in favour of the Committee of War, more than they had Occasion to dispose of Also with One hundred Seventy pounds, eight shillings received of the Committee of War, more than they had Occasion for Also with five pounds, fifteen shillings and Nine pence received of the Hon^{ble} Thomas Hutchinson Esq^r Commissioner of the £100,000 Loan Also with eight pounds received of Col^o John Jones for Bounty Money, more than he disposed of Also with two Pounds, ten shillings received

Legislative
Records of the
Council, xxiii.,
439.

Mass.
Archives,
cxxx., 82-123.
House Jour-
nal, pp. 123, 124
(November,
1759); pp. 10, 21,
79. *Supra*,
chap. 97.

of Col^o Lincoln, for Bounty, more than he disposed of, Also with One hundred thirty three pounds, six shillings and eight pence received of his Honor Thomas Hutchinson Esq^r in part of the Province Snow, Prince of Wales, Also with six pounds fifteen shillings and four pence, being so much over drawn, on a Warrant, drawn in favor of Doct^r Ephraim Ware Also with Thirty one hundred, Seventy three pounds seven shillings and six pence received of sundry Farmers of Excise upon Spirituous Liquors &c Also with the sum of Fifteen Thousand, four hundred sixteen pounds, ten shillings and six pence, received of Sundry Collectors of Excise for 1758 Also with the sum of One hundred forty eight pounds, received of James Russell Esq^r Commissioner of the Stamp Office Also with Seventy three pounds, eighteen shillings and three pence received of Lieutenant Hamilton, being the ballance due upon his Bond, for Bounty Money he took out of the Treasury for the Kennebeck Expedition also with Fifteen pounds, sixteen shillings and one penny received of Captain Keen for Cloathing, he purchased of Commissary Hall at Albany Also with Nineteen pounds, eight shillings and six pence, received of John Ashley for Land Also with five pounds received of Justice Denny for apprehending Deserters Also with Thirty pounds seventeen shillings received of Sundry Justices for Fines all which sums amount to Three hundred thirty six Thousand, eight hundred sixty five pounds, seven shillings, and one penny.

The Committee further find that the said Accomptant dischargeth himself, by sundry Payments and Disbursments, by order of the Governor, by and with the Advice of the Council, amounting to One hundred Eighty two Thousand, six hundred Ninety eight pounds, seventeen shillings, and eight pence. Also by Sundry Governments Securities burnt by the Hon^{ble} Com^{tee} of the General Court, amounting with Interest to eighty two Thousand, six hundred and four pounds fifteen shillings, and eleven pence. Also with three Thousand, eight hundred, twenty pounds, fifteen shillings and eight pence, paid Sundry persons, one Years Interest, on Government Securities. Also with Twelve hundred pounds paid Commissary Hubbard to purchase Fire Arms. Also with outstanding Taxes due from several Towns, the thirtieth of May 1759 Amounting to Thirty eight Thousand, eight hundred sixty one pounds, twelve shillings and ten pence, and by ballance in hand, further to account for Twenty seven Thousand, Six hundred, Seventy nine pounds five shillings, amounting in the whole to three hundred Thirty six Thousand, eight hundred Sixty five pounds seven shillings and one penny.

In the House of Representatives

The House taking under consideration the foregoing Account of M^r Treasurer Grays, presented to the General Court October 14: 1759 but not by said Court then accepted, by reason of some disagreement between the two Houses, in Point of form, which may be attended with great Inconvenience to the Province if not timely prevented Wherefore,

Voted that the said Account of Harrison Gray Esq^r Treasurer of this Province be allowed, and that the said Treasurer be, and he is hereby discharged of the several sums within mentioned amounting to three hundred thirty six Thousand, eight hundred and sixty five pounds seven shillings and one penny, and that the ballance thereof, being Twenty seven Thousand, six hundred Seventy nine pounds, five shillings, the said Treasurer be further accountable to the Province for.

In Council Read and Concurred. [*Passed June 20.*]

CHAPTER 99.

VOTE AUTHORIZING THE PAYMENT OF A PORTION OF SOLDIERS
WAGES, NOT EXCEEDING ONE HALF.

WHEREAS the Assembly of last Year, Voted that the Soldiers in the Pay of this Province, should receive one half of their Wages monthly, and the present Court having directed the Treasurer to borrow the sum of Eighty Thousand Pounds as a Fund for the payment of the whole of said Soldiers Wages, Therefore

Voted, That his Honour the Lieutenant Governor, with the Advice of the Council be desired to issue such part of Eighty Thousand pounds as can be procured in season, for the payment of a Part of said Soldiers Wages, not exceeding one half of what may become due from the first of June Instant And said money to be put into the hands of the Colonel of each Regiment, or such other Person, or Persons, as to his Honor with the Advice of the Council may seem meet. The persons so appointed to give Bond with Sureties for the proper Application of the Moneys they shall receive out of the Treasury by Virtue of this Order, and to be under Oath for the faithfull discharge of that Trust. [*Passed June 20.*]

Legislative
Records of the
Council, xxiii.,
441.

House Jour-
nal, pp. 78, 79.
Province
Laws, iv., 376,
chap. 8. *Ante*,
p. 558, chap.
486.

CHAPTER 100.

VOTE DESIRING THE LIEUT^T GOVERNOR TO FURNISH AGENT BOLLAN
WITH INFORMATION TO SOLICIT PARLIAMENT FOR A GRANT OF
ORDNANCE AND STORES FOR CASTLE WILLIAM.

WHEREAS M^r Agent Bollan has presented a Petition to his Majesty Setting forth that divers Cannon & Mortars and a quantity of Stores were taken from Castle William, and used in his Majesty's Service in the Campaign of the year 1755 or 1756 and not returned; That others of the Cannon were defective, and that for the strength of the place a greater number of the larger Cannon was requisite: And it being necessary that m^r Bollan should be furnished with proofs of the Several Facts Set forth in his Said Petition; together with a Plan of said Fortress, and the opinion of some of his majesty's Engineers with respect to the want of Ordnance there

Voted that his Honor the Lieutenant Governor be and his Honor hereby is desired to cause the Plan, Proofs and Opinion aforesaid to be procured as soon as may be and transmitted to m^r Bollan that he may renew his Solicitations to his Majesty for a Grant of ordnance and stores to replace such as were taken from the Castle, and that may be necessary for further strengthening it. [*Passed June 21.*]¹

Legislative
Records of the
Council, xxiii.,
436. Mass.
Archives,
xxii., 152.

Mass.
Archives,
lxxiv., 117-131.
House Jour-
nal, p. 67.
Province
Laws, xv., 53,
chap. 119.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 20.

CHAPTER 101.

VOTE ALLOWING £45 TO JOHN OSGOOD, JUN^r, ESQ.

Legislative
Records of the
Council, xxiii.,
442.

House Jour-
nal, p. 78.
Province
Laws, xv., 443,
chap. 282.

A PETITION of John Osgood jun^r of Andover Esq^r Setting forth that he is sued by John Osborne Esq^r and others, late Committee of War on a ballance of Account made between them, & the Petitioner of Ninety eight pounds, thirteen shillings, that he is able to make it appear if he had time and Oppertunity that the same ballance is erroneous, to his prejudice more than the whole sum now sued for, that he is therein charged for a large Quantity of Hides which were never good for any thing, and has no Credit for the killing a Quantity of Cattle which he is sued for by one Edmund more, and if the Account is settled according to the ballance now demanded he shall be several hundred pounds out of Pocket, besides the whole of his own Labour He therefore prays the Action may be continued untill the next Inferior Court in April, and in the mean time a Committee may be appointed before whom your Petitioner may be heard on the Subject of said Account

Read; and it appearing that there is a demand against said Osgood made by Captain Edward Moore, for Twenty three pounds four shillings for killings¹ for killing Cattle, which said Osgood is liable to pay

Voted that the said Osgood be allowed the sum of Forty five pounds including the sum of Twenty three pounds, four shillings above mentioned and that the same sum be deducted out of the ballance due from him to the Province. [*Passed June 21.*]

¹ *Sic.*

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTEENTH DAY OF AUGUST, A.D. 1760.

CHAPTER 102.

ORDER IMPOWERING RICHARD CLARKE AND KATHERINE GIBBS TO
SELL LANDS.

A PETITION of Hannah Willard Widow, Relict of the late Hon^{ble} Josiah Willard Esq^r deceased, of Richard Clark Guardian of Mr William Willard, and of Katharine Gibbs, Children of said Josiah Willard Esq^r Setting forth, that the aforesaid Josiah Willard by his last Will and Testament, did order all his lands (Saving what he had in said Will particularly bequeathed) to be sold by his Executors, Hannah Willard, William Willard and Henry Gibbs as soon as might be after his decease That since the decease of the aforesaid Henry Gibbs Esq^r one of the Executors of his Will has also deceased, and William Willard another of the Executors, is become Non Compos mentis, whereby as your Petitioners apprehend, The Lands designed and Ordered by the aforesaid Testator to be sold, for the uses in said Will mentioned, cannot legally be conveyed without the Aid of this Hon^{ble} Court They therefore pray they may be empowered to execute legal Conveyances of the Lands, ordered by the aforesaid Testator to be Sold.

Legislative
Records of the
Council, xxiii.,
451a. Mass.
Archives, xix.,
706.

Mass.
Archives, xix.,
704–707. House
Journal, p. 87.
Province
Laws, ii., 151,
chap. 10; xv.,
753, chap. 559.

Read and

Ordered that the abovenamed Petitioners Richard Clarke & Katharine Gibbs be & hereby are fully empowered to make Sale of the Lands abovementioned for the most the same will fetch & to make and Execute a good Deed or Deeds of the Same, They observing the directions of the Law respecting the Sale of real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale shall be duly applied. [*Passed August 14.*]

CHAPTER 103.

VOTE GRANTING £20 TO SUPPORT A MINISTER AT PROVINCE TOWN.

A PETITION of Benjamin Crocker in behalf of Province Town said Town by their Selectmen having desired me the Subscriber¹ to procure a Person to preach the Gospel to them, this Summer, have procured one accordingly. Praying a Grant may be made them, the better to enable that small People to support preaching, among them.

¹ Benjamin Crocker.

Legislative
Records of the
Council, xxiii.,
452. Mass.
Archives, xiv.,
192.

Mass.
Archives, xiv.,
192. House
Journal, p. 86.

[Read and]

Voted that the Sum of twenty pounds be granted and paid out of the publick Treasury into the hands of Mr Benjamin Crocker in order to enable him to Support the preaching of the Gospel among the Inhabitants at the extremity of Cape Cod (commonly called Province Town). [*Passed August 14.*]

CHAPTER 104.

ORDER GRANTING TO HEPZIBAH RAYMOND LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxlii.,
452. Mass.
Archives, cxl.,
476.

Mass.
Archives, cxl.,
475. House
Journal, pp. 86,
87.

A PETITION of Hepzibah Raymond of Lexington, Widow and Administratrix of the Estate of her late Husband Jonathan Raymond late of said Lexington Innholder deceased Setting forth, that her said late Husband kept a Publick Tavern on the great Road in Lexington aforesaid by License from the Court of General Sessions &c that on the Seventh day of August Current, he died, leaving the House well Stored with things necessary for continuing said Business, but that she cannot continue the same Business by Virtue of the License granted her Husband She therefore prays this Hon^{ble} Court would enable her to keep the Tavern aforesaid untill the next time for granting Licenses in the County of Middlesex, she recognizing with Sufficient sureties to keep good Order and pay the Duties of Excise, as the Law directs.

Read &

Ordered that the prayer of this Petition be so far granted as that the Petitioner be allowed to keep a House of Publick Entertainment in the House in Lexington of her late Husband for and during the Term he was licenced for; provided She recognize before two Justices in the County of Middlesex (Quorum unus) According to Law, within ten Days from this Time, for her keeping good Rule & Order and duly paying the Excise. [*Passed August 14.*]

CHAPTER 105.

ORDER APPOINTING JOHN CHOATE TREASURER OF THE COUNTY OF ESSEX.

Legislative
Records of the
Council, xxiii.,
453.

House Jour-
nal, p. 15
(June, 1759);
pp. 85, 87.

A PETITION of Caleb Cushing Esq^r and others, Inhabitants and Representatives of the several Towns, in the County of Essex Setting forth, that Samuel Epes Esq^r lately deceased, was Treasurer of said County of Essex, that the time appointed by Law, for the Choice of a County Treasurer will not happen until march next, That said County may Suffer Inconveniencies by being without a Treasurer untill that time That the Court of General Sessions of the Peace held at Salem for said County in July last past, did nominate, John Choate Esq^r for that Office, & desired us the Subscribers to petition this Court for their Aid in this Matter Your Petitioners therefore Pray, that the said John Choate Esq^r may be appointed Treasurer of said County, untill the last Tuesday of march next.

Read and

Ordered that the Prayer of this Petition be granted, and that

John Choate Esq^r be, and he hereby is appointed Treasurer for the County of Essex, in the room of Samuel Epes Esq^r deceased, late Treasurer, untill the Court of General Sessions of the Peace for said County shall meet, in the month of march next And that he be invested with all the Powers and Authorities to said Office by Law belonging, in the mean time. [*Passed August 14.*]

CHAPTER 106.

VOTE IMPOWERING HANNAH BALL, ADM^s, TO SELL LANDS AND MILLS.

A PETITION of Hannah Ball of Brookfield Administratrix on the Estate of her late Husband Thomas Ball, late of Brookfield Setting forth, that in march last, she preferred a Petition to the Hon^{ble} Court, to make Sale of about Sixty Acres of land, with a grist mill and Saw mill thereon, for the reasons in said Petition mentioned that by mistake it was represented in said Petition that the said Lands lay in Brookfield, when in fact, they lay in Spencer District That the said Petition was granted but your Petitioner apprehending that by reason of the said mistake she cannot sell said Lands Therefore Prays that a new order may pass this Hon^{ble} Court empowering her to make Sale of said Lands, lying in Spencer, under such Restrictions, as your Excellency and Honours shall see meet.

Legislative
Records of the
Council, xxiii.,
453.

House Jour-
nal, p. 88.
Ante, p. 512,
chap. 375.

[Read and]

Voted that the Petitioner in her Capacity be and she hereby is empowered to make Sale of the Lands, and mills within mentioned lying in Spencer, in the County of Worcester to such Person or Persons, as shall give most for the same she observing the directions of the Law, relating to the Sale of Real Estates, by Executors and Administrators and before such Sale, giving Sufficient caution to the Judge of Probate &c^a for the County of Worcester, to account for the Produce of said Sale according to Law. [*Passed August 14.*]

CHAPTER 107.

VOTE IMPOWERING JOHN PHILLIPS, ESQ^r, TO FILE A COMPLAINT.

A PETITION of John Phillips Esq^r Setting forth. That at the Inferior Court of Common Pleas, begun and held at Boston in and for the County of Suffolk, on the first Tuesday of January last, he recovered Judgment against Francis Brinley of Roxbury, in the County aforesaid Esq^r for the sum of One hundred pounds, two shillings and three pence lawfull money and Costs of Suit From which Judgment the said Francis appealed to the Superior Court of Judicature, Court of Assize, and General Goal delivery, then next to be holden at Boston for the County aforesaid, on the third Tuesday of February AD 1760 but failed to prosecute his Appeal, and your Petitioners Attorney supposing the said Francis had discharged said Judgment as his Attorney intimated it should be, between the Inferior and Superior Court, omitted entering a Complaint for Affirmation of said Judgment He therefore prays That

Legislative
Records of the
Council, xxiii.,
451, 451a.

House Jour-
nal, pp. 85, 92.

the Justices of the Superior Court next to be holden at Boston for said County, may be enabled to receive the complaint of the Petitioner against said Francis, for not prosecuting said Appeal, and to Affirm said Judgment, with such additional Interest, and Costs, as they shall think reasonable

[Read and]

Voted that the Prayer of this Petition be granted, and the Petitioner be, and hereby is allowed to file a complaint, at the next Superior Court of Judicature, to be holden at Boston, for the County of Suffolk and the Justices of the said Court are impowered on the Petition, and entry thereof, to give Judgment thereon, with additional Interest and Costs, and award Execution accordingly. [*Passed August 15.*¹

CHAPTER 108.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative
Records of the
Council, xxiii.,
457.

House Jour-
nal, pp. 10, 88.

ON THE ACCOUNT of the County of York Treasurers Account
Read and

Ordered that the within Account be allowed and that the Treasurer be discharged of the sum of One hundred pounds, fourteen shillings, and seven pence And that the County be accountable to the within named Treasurer, for the sum of fourteen shillings and seven pence. [*Passed August 15.*

CHAPTER 109.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative
Records of the
Council, xxiii.,
459.

House Jour-
nal, p. 92.

Voted that all matters, that have Day at this Session, and shall not be passed upon shall have the same Day at the next Session of this Court. [*Passed August 15.*

CHAPTER 110.

ORDER OF NOTICE WITH STAY OF ALL PROCEEDINGS ON THE PETITION OF THE TOWN OF WELLS TO SET ASIDE A REPORT OF REFEREES.

Legislative
Records of the
Council, xxiii.,
460.

Mass.
Archives,
cxvii., 594.
House Jour-
nal, p. 91.

A PETITION of sundry of the Inhabitants and Freeholders, of the Town of Wells, in the County of York Setting forth That upwards of Sixty years ago, a number of Lotts of land were laid out in said Town from the high way leading from Ogunquet River (so called) running on a West, North West Course, as then returned, and marked, upon which the Owners Entered, fenced and improved, and on the Northeasterly side of a Place called the Gore, the Lotts were laid out on a North West Course, as was then returned, and have been so improved ever since That one James Boston,

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is August 14.

having purchased one of the Lotts, first mentioned lately run out the same without regarding the old Boundaries, being directed only by the Compass, as it now stands, whereby the Lines of said Lotts, are made very different, from the Old Lines, and if all the said Lotts should be so run, they being two miles and an half, in length, many of them will run quite across other Lotts at the upper End, as they were formerly laid out, and the Owner of one Lott, take away another Orchard, House Barn, and other Improvements, and introduce a General Contention, and Confusion in the Town, as may appear by Inspection of a Plan herewith presented¹ That the said Boston taking advantage of this Variation, brought an Action of Trespass against one Stevens, who owned a Lott contiguous, and as the dispute arose about Boundaries, it was judged best to issue it by a Reference, that the disputed Limits might be viewed &c^a and thô the Referrees could not but see the Consequence of departing from the Old Boundaries, in this Instance, (For Stevens would have the same Right to run in upon the next Lott, that Boston had upon his, and so throughout) yet they settled the late running by their Report, and have opened a Door for a General Mutation; which can't be equitable, because the Improvements are not equal That upon Motion made to the Court, Judgment on said Report, is at present suspended And as this matter effects the Peace of said Town, for if Judgment should be entered on this Report (the Rule being to make a final Settlement of the Line) Stevens must run so far on the next Lott, as Boston does on his, and so on, or some be without Redress, which does not seem to be just, as the Right to this Land is derived from the Town, and the Title of one Lott as good as another And as this Variation of Lines, is occasioned by the Variation of the Compass (² which as your Petitioners are informed, is more than two Degrees more Northerly, that it was forty Years ago They therefore pray that the said Report may be set aside, and order that no Judgment be entered thereon and that the Old Boundaries be established that a Multiplicity of Law Suits may be prevented.

Read and

Ordered, that the Petitioners serve the Inhabitants and Freeholders of the Town of Wells, Non Petitioners, who are concerned in the merits of the Petition, with a Copy of this Petition, that they shew Cause, if any they have on the second Friday of the next Session of this Court, why the Prayer thereof should not be granted, and that all proceedings be staid in the mean time. [*Passed August 15.*]

CHAPTER 111.

VOTE ALLOWING £300 TO THE GOVERNOR.

Voted that there be granted and paid out of the publick Treasury to His Excellency Francis Bernard Esq^r Gov^r in Chief of this Province the Sum of three hundred pounds to defrey the Charge of Transporting His Equipage hither. [*Passed August 15.*]

¹ No plan is given with Mass. Archives, xvii., 594.

² *Sic*, as to parenthesis.

Legislative
Records of the
Council, xxiii.,
461. Mass.
Archives, I.,
144.

Legislative
Records of the
Council, xxiii.,
449. House
Journal, p. 92.
Province
Laws, iv., 442,
note.

CHAPTER 112.

ORDER IMPOWERING ISRAEL FELIX & ISAAC BAKER, INDIANS, TO EXCHANGE LANDS, &c.

Legislative
Records of the
Council, xxiii.,
462.

House Jour-
nal, p. 93.
Ante, p. 241,
chap. 76, note.

A PETITION of Israel Felix, and Isaac Baker both of Middleborough, in the County of Plymouth, Indians Setting forth that they are jointly Owners of a Parcell of land lying in Middleborough, which is surrounded by Land now belonging to Lieu^t Thomas Nelson of said Middleborough, and lying at a Distance from us, and contains about four Acres That there is a like Quantity of good Wood land that may be had joyning to our Homested Farms They therefore Pray leave to exchange said Lands, for Quantity and Quality, for the Lands, joyning to them, and give and take Deeds, according to Law.

Read and

Ordered that the Petitioners be, and hereby are fully authorized and impowered, by and with the advise of Josiah Edson Esq^r and Nathaniel Smith Guardians of the Indians, to make the Exchange within mentioned, and to Execute a good Deed or Deeds in Law for that Purpose. [*Passed August 15.*]

CHAPTER 113.

ORDER ALLOWING £8 TO HENRY GALE.

Legislative
Records of the
Council, xxiii.,
462. Mass.
Archives,
lxxix., 260.

Mass.
Archives,
lxxix., 258.
House Jour-
nal, pp. 86, 87.

A PETITION of Henry Gale of Weston Setting forth that he enlisted a private Soldier in the Service of this Province, on the sixth day of April 1759, and did his duty as such, at Fort Cumberland, in Nova Scotia, in Captain John Taplins Company till he was regularly discharged on the 10th of December following That after a tedious Passage, got home the first of February following, that he has ever since been kept out of his Pay there being no pay Roll as yet presented, that he has a Wife and seven Children, who were subsisted in his Absence upon the Credit of his pay, and that he Suffers much for the want of it Praying his pay may be ordered him in full, or such part of it as may give him present Relief.

Read and

Ordered that the Sum of Eight pounds be paid out of the publick Treasury to Elisha Jones Esq^r for the Use of the Pet^r the said Jones to be accountable to the Treasurer for that Sum if it shall appear upon the Muster roll when made up that said Sum is not due to the Pet^r. [*Passed August 15.*]

CHAPTER 114.

ORDER ALLOWING £3. 18 TO EDW^d PIERCE.

Legislative
Records of the
Council, xxlii.,
463. Mass.
Archives,
lxxix., 183.

A PETITION of Edward Pierce of Boston Setting forth that he was enlisted in the Crown Point Expedition, in the Year 1756, under the Command of General Winslow, that after his Enlistment he billeted himself five Weeks and four days before he received the

Province Provisions, that he proceed[ed] in the Army, and there did the duty of a Serjeant, till the Army was disbanded That he billeted himself from Albany to Boston thirteen days, That he has never received any Allowance for his billeting aforesaid notwithstanding an Order passed the General Court, the same Year allowing one shilling and six pence ~~p~~ day, billeting money. He therefore prays he may be allowed the sum of Three pounds, Eighteen shillings as by his Account exhibited with this Petition.

Read and

Ordered that the Sum of three pounds eighteen Shillings be paid the Pet^r out of the publick Treasury in full for his Billeting within mentioned. [*Passed August 15.*]

Mass.
Archives,
lxxix., 183.
House Jour-
nal, pp. 56, 93.
Province
Laws, xv., 617,
chap. 221.

CHAPTER 115.

ORDER ALLOWING £7. 12. 4 TO SAM^L ROSS.

A PETITION of Samuel Ross of Ipswich, in the County of Essex, Father of Samuel Ross jun^r an Infant Setting forth That the said Samuel Ross jun^r was a private Soldier in the Service of the Province, the last Year, up the River S^t Lawrence in the Company under the Command of Captain Gideon Parker That upon his Return therefrom he was seized with a malignant Fever, which continued for five Weeks, That it put him to great Expence as appears by an Account to this Petition annexed amounting to £11.3.4 Praying a Reimbursement of said sum

Read and

Ordered that the Sum of Seven pounds twelve Shillings and four pence be paid out of the Treasury for the Use of the Pet^r in full. [*Passed August 15.*]

Legislative
Records of the
Council, xxiii.,
464. Mass.
Archives,
lxxix., 257.
House Jour-
nal, p. 94.

CHAPTER 116.

VOTE APPOINTING A COM^{TEE} TO REPAIR PROVINCE HOUSE STABLE.

In the House of Representatives;

Voted that M^r Welles and M^r Russell be a Committee, to cause to be repaired, the Stable, belonging to the Province House in^r as cheap a manner as may be.

In Council; Read and Concurred and Thomas Hubbard Esq^r is joined in the Affair.

In the House of Representatives; Read and Concurred. [*Passed August 15.*]

Legislative
Records of the
Council, xxiii.,
464.

House Jour-
nal, pp. 94, 95,
96.

CHAPTER 117.

ORDER OF NOTICE ON THE PETITION THAT THE EXECUTORS OF THE ESTATE OF REV^D JOHN WHITE BE IMPOWERED TO SELL REAL ESTATE.

A PETITION of Thomas Allen, Nathaniel Haskell, David Allen, Samuel Plumer, and Christian White Setting forth that the Rev^d M^r John White late of Gloucester deceased, by his last Will, bequeathed all his Real Estate, to be equally divided among three of

Legislative
Records of the
Council, xxiii.,
464. Mass.
Archives, xix.,
709.

Mass.
Archives, xix.,
708. House
Journal, pp. 94,
95.

his Children, then living, and the heirs of two of them who were then dead The names of those living were Abigail the Widow of Isaac Allen deceased who is herself since dead, and has left three Children, whereof your Petitioners Thomas Allen, David Allen and Nathaniel Haskell are appointed Guardians, Hannah the Wife of said Nathaniel Haskell yet living, and Mary the Wife of said David Allen yet living; The names of those of the Testators Children, that were deceased, when his Will was made, are William White, who left 7 Children, to whom your said Petitioner Christian White is appointed Guardian, and Lucy who married M^r Joseph Moodey by whom she had four Children Viz^t Samuel, Joseph & Thomas, yet living, and Hannah married to your Petitioner Samuel Plumer, by whom she has left a son Samuel to whom your Petitioner is Guardian, That the said Samuel, Joseph & Thomas Moodey live at York, and the said Christian White at Falmouth, all at a great distance from Gloucester, the place where the said Testators Real Estate is That said Real Estate consists of a Dwelling House, Barn, and about Nine Acres of Pasture Land, and a few Acres of Orchard Mowing Land and Salt marsh, which was appraised at Three hundred and five pounds, six shillings, and eight pence, whereof One Third part is already sett off to the Widow, of the said Testator as her Dower, and the remaining two Thirds if divided, according to the Will of the Testator among all the Interested, will be very much prejudiced, if not spoiled by such Division, neither can it be improved to Advantage when divided into such small Pieces, and if to be sold will fetch more, the whole together, than if seperated They therefore Pray that the aforesaid Nathaniel Haskell, David Allen, and Samuel Plumer who are Executors to the Will of the said deceased may be empowered to make Sale of the whole of said Real Estate, as well of the Widows Thirds, being a Reversion as of the two Thirds, whereof the said heirs of said deceased, are by Virtue of his Will, in Possession, and to execute a good Deed, or Deeds of Conveyance thereof The Produce to be distributed to the several heirs, according to their Interest therein.

Read and

Ordered that the Pet^{rs} serve the other Heirs of the Rev^d John White Dec'd who are not Petitioners with a copy of this Pet^a that they shew cause (if any they have) on the first fryday of the next Session of this Court why the Prayer thereof should not be granted. [*Passed August 15.*]

CHAPTER 118.

VOTE IN REGARD TO FRENCH NEUTRALS.

Legislative
Records of the
Council, xxiii.,
465. Mass.
Archives,
xxiv., 380.

House Jour-
nal, pp. 92, 93.
Ante, p. 530,
chap. 415;
p. 553, chap.
477; p. 574,
chap. 21.

Voted, That the French People late Inhabitants of Nova Scotia, who have been, or may hereafter be assigned and apportioned to any particular Town or District, in Consequence of the Resolve of this Court of the nineteenth of April last, shall henceforth be deemed and adjudged the legal Inhabitants of such Town or District to which they have been, or may hereafter in Consequence of said Resolve, be allotted and assigned, until by their Residence in some other Town, for the Space of twelve months (and not by such Town duly warned out) they gain a Settlement elsewhere.

And whereas it may be inconvenient and detrimental to many of

those French People to be suddenly removed from the Towns or Districts where they now dwell, to those to which they are or may be assign'd, as aforesaid:

It is further,

Voted, That such of those French People as desire it, and will maintain themselves, may continue in the Towns or Districts where they now live, until the last Day of November next; and such Continuance shall not be esteem'd or reckoned any Part of the twelve months Residence, by which they may gain a Settlement, as aforesaid, either with respect to Themselves, or to any that may be born of them in that Time. And if during this Continuance any unavoidable Expence and Charge, through Sickness or other Disaster, shall happen to the Town in which they reside, as aforesaid, or at any other Time thereafter, as they may be travelling through or sojourning in any other Town than that of which they are Inhabitants, as aforesaid, such Expence and Charge shall be refunded and paid by the Town or District whereof they are Inhabitants, at the Time such Expence arose: and in Case any Dispute should happen, relating either to the Reasonableness of the Charge, or of what Town or District such Person was then an Inhabitant, such Dispute shall be finally settled and determined by the Court of General Sessions of the Peace within the same County where such Expence or Charge arose, in the same manner as is by Law already provided in similar Cases, with respect to Others, the Inhabitants of this Province. [*Passed August 15.*]

CHAPTER 119.

VOTE IN REGARD TO ACTIONS IN BANKRUPTCY.

WHEREAS during the time that an Act providing remedy for Bankrupts and their Creditors, was in force Sundry persons were in pursuance thereof declared Bankrupts and Surrendred themselves and their effects for the use of their Creditors according to the intent of s^d Act; but by reason of the Dissallowance of s^d Act, the Commissioners & Assignees could not proceed to make Distribution & finish their Trust According to the Original Intention thereof, and many doubts have arisen touching such effects of Such Bankrupts & many Suits have been or may be brought against Such Commissioners, Assignees or former Debtors of Such Bankrupts, to recover out of their hands the money goods or effects so given up or assign'd, which if permitted to go on may Occasion great injustice and expence:

Voted, That all the Executive Courts thro' this province be, and hereby are Ordered to continue all such Actions brought as aforesaid; as are now depending; and to Stay all proceedings on new Entries of any Such Actions untill after the Second Wednesday of the next sitting of this Court. [*Passed August 15.*]

Legislative
Records of the
Council, xxiii.,
466. Mass.
Archives, cxx.,
367.

House Jour-
nal, pp. 27, 94.
Province
Laws, iv., 403,
chap. 16; 446,
447, 448, notes.
Ante, p. 573,
chap. 19.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SEVENTEENTH DAY OF DECEMBER, A.D. 1760.

CHAPTER 120.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiii.,
475.

House Jour-
nal, pp. 101, 102.
Province
Laws, iv., 165,
chap. 7.

WHEREAS Divers of the Justices of the General Sessions of the Peace, and Inferior Court of common Pleas, which by Law are to be holden at Plymouth, in and for the County of Plymouth on the first Tuesday of January next, are members of this Court, and the important Affairs of the Province now depending, may require their Attendance thereupon at said Time,

Ordered that the Courts aforesaid that are by Law to be held at Plymouth aforesaid on the first Tuesday of January, be and hereby are adjourned to the second Tuesday of February next, then to be holden at Plymouth, in and for the County of Plymouth, at ten o'Clock in the forenoon of said Day, and all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and other matter or matters whatsoever returnable, or having Day in the said Courts shall stand, abide, and continue, unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law to all Intents and purposes whatsoever, as if said Courts had been held and kept on the day by Law, for holding the same, and no Adjournment had been made. [*Passed December 19.*]

CHAPTER 121.

ORDER GRANTING TO JEREMIAH PECKER LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiii.,
473. Mass.
Archives, cxi.,
477.

House Jour-
nal, p. 107.

THE PETITION of Jeremiah ¹ Pecker of Haverhill, in the County of Essex, setting forth, that he has lately purchased the House in which Matthew Soley lately kept a Tavern, which has for above Thirty Years, last past been kept for that purpose, and is conveniently situated for that purpose, and altho': he has obtained the Approbation of the Selectmen of said Town as the Law directs, yet the Court of Sessions for said County can by Law Grant him Licence at July Term only Your Petitioner therefore prays this Hon^{ble} Court, would impower the said Court of Sessions to give him Licence, at their next Term in December Current or afford him such other relief, as to the Hon^{ble} Court shall seem meet, and your Petitioner as in duty bound &c^a,

Read &

¹ The House Journal, p. 107, reads, "*Jeremy.*"

Ordered, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of Essex be & hereby are impowered at their next sitting of the s^d Court on the last Tuesday of December Currant, to grant the Petitioner a Licence (if they See Cause) to keep an House of publick Enterainment¹ in the Town of Haverhill, he producing the Approbation of the Select-men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed December 20.*]

CHAPTER 122.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £6. 15. 4 TO JOSIAH BRADBURY.

A PETITION of *Josiah Bradbury* of *Wiscasset*, a Soldier in Capt. *Littlefield's* Company in the Year 1758, exhibiting the Charges of his Sickness in that Service, amounting to *six Pounds fifteen Shillings & four Pence*, which he prays may be allowed him.

Read and

Ordered that the Treasurer be directed to pay the Pet^r out of the publick Treasury the Sum of Six pounds fifteen Shillings and four pence in full. [*Passed December 20.*]

House Journal, p. 106.
Mass.
Archives, lxxix., 286.

CHAPTER 123.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £126,943.0.11.

REPORT OF THE COMMITTEE appointed to repair to the Treasurers, and take an Account of the Government Securities that he has redeemed and see them burnt, and consumed to Ashes have attended that service, and have received of the Treasurer Government Notes payable the first of May 1755 Amounting to One hundred pounds, which with the Interest of Twenty three pounds, seventeen shillings and six pence, makes One hundred twenty three pounds, seventeen shillings and six pence, Government Notes, payable the first of June 1757. Amounting to Fifty four pounds, which with the Interest of Five pounds, eighteen shillings and seven pence, makes Fifty nine pounds, eighteen shillings and seven pence Notes payable the second of June 1757 to the Amount of two hundred Eighty six pounds, the Interest of Seventy pounds fifteen shillings and ten pence paid thereon makes Three hundred fifty six pounds, fifteen shillings and ten pence. Notes payable the tenth of June 1757 Amounting to Five hundred forty nine pounds, seventeen shillings and eight pence, which with the Interest of Eighty seven pounds, Nineteen shillings and two pence, makes Six hundred Thirty seven pounds sixteen shillings and ten pence, Notes payable the thirtieth of June 1757 Amounting to Seventy one pounds which with the Interest of Thirteen pounds, Nineteen shillings and three pence, makes Eighty four pounds, nineteen shillings and three pence, Notes payable the tenth of June 1758. to the Amount of Twenty seven hundred, eighty one pounds twelve shillings and one penny, the Interest of Three hundred, Thirty six pounds, eighteen shillings

Legislative Records of the Council, xxiii., 472. Mass. Archives, civ., 30.

Mass. Archives, civ., 28. House Journal, pp. 42, 111. *Ante*, p. 579, chap. 33.

¹ *Sic.*

and seven pence paid thereon, makes Thirty one hundred, eighteen pounds ten shillings and eight pence, Also Notes payable in October 1758, Amounting to Ten hundred, eighty pounds, ten shillings and four pence, which with the Interest of One hundred Fifty eight pounds, fourteen shillings, and eight pence makes Twelve hundred thirty nine pounds five shillings, Also Notes payable in June 1759 Amounting to Thirty three Thousand, One hundred Twenty three pounds, six shillings and eleven pence, the Interest paid thereon, Twenty four hundred seventy pounds, and two pence, makes thirty five Thousand, five hundred ninety three pounds, seven shillings and one penny. Also Notes payable in June 1760. to the Amount of Eighty Thousand, eight hundred seventy two pounds Nineteen shillings and two pence, the Interest paid thereon, Four Thousand, eight hundred fifty five pounds, eleven shillings, makes Eighty five Thousand, seven hundred twenty eight pounds, ten shillings and two pence, all which sums make, One hundred Twenty six Thousand Nine hundred and forty three pounds and eleven pence, which several Securities, we have seen burnt and consumed to Ashes, And Also do report that the Treasurer be discharged of the aforesaid sum of One hundred and Twenty six Thousand, Nine hundred and forty three pounds and eleven pence.

JOHN OSBORNE

WILLIAM BRATTLE

JOHN PHILLIPS

SAMUEL WELLES.

THOMAS HANCOCK

Read and Accepted and

Ordered that the Treasurer be discharg'd of the Sum of One hundred and twenty Six thousand Nine hundred and forty three pounds and eleven pence Accordingly. [*Passed December 22.*]

CHAPTER 124.

ORDER ACCEPTING REPORT OF COM^{TEE} APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £41,071.8.2.

Legislative
Records of the
Council, xxiii.,
473. Mass.
Archives, civ.,
37.

Mass.
Archives, civ.,
36–38. House
Journal, pp. 42,
112. *Ante*,
p. 579, chap. 33.
Supra, chap.
123.

REPORT OF A COMMITTEE appointed to repair to the Treasurers, and take an Account of the Government Securities that he has redeemed, and see them burnt and consumed to Ashes have attended that Service, and have received of the Treasurer Government Securities, payable in June 1758, Amounting to Fourteen hundred seventy five pounds, thirteen shillings and six pence, which with the Interest of two hundred sixty two pounds, sixteen shillings and six pence paid thereon, makes Seventeen hundred thirty eight pounds, ten shillings, Also Government Notes payable in June 1759 Amounting to twenty four hundred thirteen pounds fourteen shillings and six pence, which with the Interest of three hundred twenty eight pounds three shillings and two pence, makes Twenty seven hundred and forty one pounds, seventeen shillings and eight pence, also Government Securities payable in June 1760 Amounting to twenty eight Thousand, three hundred sixty three pounds, five shillings and seven pence, which with the Interest of Twenty two hundred Eighty one pounds, sixteen shillings, and two pence, makes Thirty thousand, six hundred forty five pounds, one shilling and nine pence, also Government Securities that will become due in June 1761. Amounting to five Thousand six hundred, sixty five pounds, twelve shillings and

three pence, which with the Interest of Two hundred Eighty pounds, six shillings and six pence, makes five Thousand nine hundred and forty five pounds, eighteen shillings and nine pence, Amounting in the whole to forty one Thousand and Seventy one pounds, eight shillings and two pence, which several Securities, we have seen burnt, and consumed to Ashes.

J OSBORNE

Read and

Ordered that this Report be accepted and that the Treasurer be discharg'd of the Sum of forty One Thousand and seventy One pounds eight Shillings and two pence accordingly. [*Passed December 22.*]

CHAPTER 125.

ORDER IMPOWERING MARY CHAMBERLAIN, ADM^x, TO SELL LANDS, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Chamberlain Widow and Administratrix on the Estate of her late Husband Aaron Chamberlain late of Dracutt in the County of Middlesex deceased Setting forth that the said Aaron died in March 1759. leaving a Real Estate in Dracut aforesaid consisting of Twenty six Acres of land with a small Dwelling House thereon appraised at Forty pounds, that the debts due from said Estate exceed the Appraised Value of the personal Estate, the sum of Twenty five pounds three shillings and two pence, that the deceased left four Children the eldest about eleven Years of age, which makes it necessary that some part of said Real Estate should be sold That selling one part of said Real Estate only, will be a great detriment to the sale of the other She therefore prays, that she may be empowered, in her said Capacity of Administratrix to make Sale of the whole of the said Real Estate for the most it will fetch, and the Produce of such Sale to be disposed of, as your Excellency & honours shall see fit.

Read and

Ordered that the Petitioner, in her Capacity within mentioned, be and hereby is empowered to make Sale of the Lands mentioned, for the most they will sell for, and to make and Execute a good Deed, or Deeds for the same, she observing the directions of the Law respecting the Sale of Real Estates, by Executors and Administrators, and giving sufficient caution to the Judge of Probate, for the County of Middlesex, that the Produce arising by said Sale, shall be applied for the purposes within mentioned, and that the Overplus, (if any there be) be accounted for agreeable to Law. [*Passed December 22.*]

Legislative
Records of the
Council, xxiii.,
480.

House Jour-
nal, pp. 106, 109.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 126.

ORDER GRANTING TO BENJ: DAVIS, NATHAN FOSTER, DANIEL RINDGE AND JOHN HODGKINS, JUN^r, LICENCES TO SELL STRONG DRINK.

A PETITION of Benjamin Davis, Nathan Foster, Daniel Rindge, and John Hodgkins jun^r of Ipswich, in the County of Essex Setting forth, that the Court of General Sessions for the Peace in said County at their Sessions in July last granted your Petitioners Licence

Legislative
Records of the
Council, xxiii.,
480. Mass.
Archives, cxx.,
368.

House Jour-
nal, p. 108.

for retailing strong Liquors for several Years past, that mistaking the time for them to recognize, which by Law is allowed, they delayed so to do untill it was too late, by which means they are deprived the Liberty of Retailing as aforesaid They therefore pray that the Clerk of said Court of Sessions may be impowered and directed to take their Recognizances, the time being elapsed notwithstanding, Read and thereon

Voted that the prayer of this petition be Granted and that the Clerk of the Court of Generall sessions of the peace for the County of Essex be and he is hereby derected and Impowerd to Recognize the petitionors in the same manner and to the same purpose and efect in law as if it had ben done within the time by law appointed for that purpose. [*Passed December 22.*]

CHAPTER 127.

ORDER ALLOWING £3 TO SETH MANLEY.

Legislative
Records of the
Council, xxiii.,
481. Mass.
Archives,
lxxix., 272.

House Jour-
nal, p. 109.
Ante, p. 247,
chap. 89.

A PETITION of Seth Manley, a Soldier in the Western Service in the Year 1758, in Captain Andrews and Captain Walkers Companies, that he carried his own Gun, and never received any other setting forth either of the Kings or Province Arms Notwithstanding which Stoppage was made in the Roll, for Three pounds, and deducted out of his Wages he therefore prays said Stoppage may be taken off, and that he may have an Order upon the Treasury for the said sum of three pounds

Read and

Ordered that the Sum of three pounds be paid out of the publick Treasury to Cap^t Leonard for the Use of the Pet^r in consideration of that Sum being dedu[c]ted out of his Wages for the Gun abovementioned. [*Passed December 22.*]

CHAPTER 128.

ORDER OF NOTICE ON THE PETITION OF GEORGE KIMBALL IN REGARD TO WAGES OF HIS SERVANT.

Legislative
Records of the
Council, xxlii.,
481. Mass.
Archives,
lxxix., 355.

Mass.
Archives,
lxxix., 349, 351.
House Jour-
nal, p. 111.

A PETITION of George Kimball of Lunenburg, in the County of Worcester Setting forth that his Servant William Kimball was in the Service of the Province as a Private Soldier, in Captain James Reeds Company, Col^o Ruggles's Regiment, in the Year 1758 That his wages amounted to fourteen pounds eight shillings eight pounds six shillings and ten pence whereof, was stoped on the said Reeds Muster Roll, under a pretence, that the said William had expended the same for Cloathing received of M^r Abraham Savage Quarter Master of the said Regiment, and the remainder of said Wages were stoped under a Pretence, that the said Captain had paid the same for Necessaries for the said William while he was a Soldier, so that the Petitioner has never received one farthing for his said Servants Wages, that the said William has always denied his expending his Wages, your Petitioner therefore imagines himself much injured, and Prays Relief.

Read and

Ordered that the Pet^r serve James Read and Abraham Savage with copys of this Petition that so they respectively shew cause (if any they have) on the second tuesday of the next Sitting of this Court why the Prayer thereof should not be granted. [*Passed December 22.*]

CHAPTER 129.

ORDER DIRECTING THE COLLECTOR OF EXCISE FOR THE COUNTY OF YORK TO DISCHARGE MATTHEW PATTEN OF £5. 6. 8.

A PETITION of Matthew Patten of North Yarmouth, in the County of York Setting forth that he had the misfortune in the month of march last, to have his Dwelling House consumed by Fire, with the Chief part of his Furniture, and a considerable sum of money, that he had a Licence for retailing strong Liquors, and stands indebted to the Excise master for said County, the sum of Five pounds, six shillings and eight pence, for Duties of Excise he therefore prays that the said sum may be remitted him.

Read and

Ordered that the Collector of Excise for the County of York be and he is hereby directed to discharge the Petitioner the Sum of five pounds six Shillings and eight pence in consideration of his Loss as abovementioned [*Passed December 22.*]

Legislative
Records of the
Council, xxiii.,
482. Mass.
Archives,
lxxxvii., 94.

House Jour-
nal, pp. 102, 108.
Province
Laws, iv., 354,
note.

CHAPTER 130.

ORDER ALLOWING £3 TO ROBT TOWNSEND.

A PETITION of Robert Townsend of Abington Setting forth that he was an Ensign, in the Province Service at the Westward, in 1758, in Captain Abel Keens Company That he was taken sick at Shennectady, and while he lay sick there, a number of Soldiers returned from Desertion, under Captain Benjamin Pratt, and the said Pratt took his Gun, and gave him a Receipt for the same, and the Province stoped Ten Dollars of his Wages for said Gun he therefore prays ten Dollars may be paid him out of the Treasury.

Read and

Ordered that the sum of three pounds be paid out of the Publick Treasury to M^r Woodbridge Brown, for the use of the Petitioner, in consideration of that sum being stoped out of his Wages for the Gun as within mentioned. [*Passed December 22.*]

Legislative
Records of the
Council, xxiii.,
483.

House Jour-
nal, pp. 104, 109.
Ante, p. 247,
chap. 89.

CHAPTER 131.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

ACCOUNT of Jonathan Bacon Treasurer for the County of Barnstable, to September 1760. being laid before the Court for their Allowance,

Read and

Ordered that the within Account be allowed, and that the Treas-

Legislative
Records of the
Council, xxiii.,
483.

House Jour-
nal, pp. 10, 109,
110.

urer be discharged the sum of Sixty six pounds, seven shillings and eleven pence And that he be further accountable to the said County, for the sum of Ninety six pounds, three shillings and eight pence, one farthing. [*Passed December 22.*]

CHAPTER 132.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
486.

Mass.
Archives,
lxxix., 92, 93,
167, 210, 256, 269,
274, 325, 327, 337,
338, 339, 340, 352.
House Jour-
nal, pp. 113, 114.

IN THE HOUSE OF REPRESENTATIVES; The House proceeded to take under consideration sundry Petitions of sick and wounded Soldiers, and thereupon the following Votes passed Viz^t

Voted that the sum of One pound be paid out of the Publick Treasury to M^r Richard Bailey for the use of Benjamin Horton To Captain Coolidge for y^e Use of Samuel Ellis in full, the sum of Two pounds six¹ shillings and eight pence, To Captain Sprout for the use of Nelson Finney the sum of Nine pounds five shillings and eight pence, To Col^o Choate, for the use of Caleb Warner, the sum of Three pounds four shillings and eight pence To Captain Richardson for the use of Simon Dauby² the sum of Two pounds eighteen shillings and eight pence. To David Stockbridge Esq^r for the use of Simon³ Bates the sum of Two pounds ten shillings, including Doctors Bills,⁴ To M^r Humphry for the use of Benjamin Woods, the sum of four pounds five shillings. To M^r Porter for the use of Ezra Johnson, the sum of Two pounds one shilling, and eight pence, To Col^o John Jones, for the use of George Carrell, and Stephen Stimpson, the sum of One pound one shilling each, To M^r Porter for the use of Benjamin Russell, the sum of three pounds. To Col^o Lawrence for the use of John Frost, the sum of Four pounds, ten shillings, To Col^o Lawrence for the use of Thomas Shattuck, the sum of Three pounds To M^r Porter, for the use of Amos Goodell, the sum of Two pounds fourteen shillings.

In Council Read and Concurred. [*Passed December 23.*]

CHAPTER 133.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council, xxiii.,
488.

House Jour-
nal, pp. 10, 114,
115.

ON THE ACCOUNT OF [Robert Luscomb]⁵ Treasurer for the County of Bristol

Ordered that the said Account be allowed, and that the Treasurer be discharged the sum of One hundred and one pounds, one penny half penny: And that he be further accountable to said County, for the sum of Seven pounds, eighteen shillings, and one farthing: As also the further sum of Twelve pounds, thirteen shillings and three pence three farthings, outstanding Debts when he shall receive the same. [*Passed December 23.*]

¹ Mass. Archives, lxxviii., 96, and the House Journal, p. 113, read, £2. 16. 8.

² Mass. Archives, lxxix., reads, "Simon Daby."

³ Mass. Archives, lxxix., 256, reads, "Solomon."

⁴ The House Journal, p. 113, here inserts: "To Mr. Porter, for the Use of Solomon McIntire, the Sum of three Pounds, twelve Shillings, including Doctors Bills."

⁵ Inserted from History of Bristol County, p. 900.

CHAPTER 134.

ORDER ALLOWING £12 TO JOHN PROCTOR.

A PETITION of John Procter of Boston, Setting forth that he was on board the Province Snow Prince of Wales Cap^t Dowse when she was taken by a French Frigate, and carried into Louisbourg, from thence to Old France, and was there in Prison for some time, and met with many difficulties and dangers afterwards Praying a consideration for his loss of Time &c^a

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury the Sum of twelve pounds in full consideration for his Loss of time and Sufferings mentioned. [*Passed December 23.*]

Legislative
Records of the
Council, xxiii.,
489. Mass.
Archives,
lxvi., 86.
Mass.
Archives,
lxvi., 85.
House Jour-
nal, pp. 106, 118.

CHAPTER 135.

ORDER ALLOWING £12 TO CHARLES BLACK.

A PETITION of Charles Black of Bedford, Setting forth that he was on board the Province Snow, Captain Dowse, when she was taken by a French Frigate, carried to Louisbourg from thence to Old France, where he was sick & imprisoned for a long time, and met with many difficulties and hardships afterwards, it being almost three Years before his return to New England Praying a consideration for his Loss of time & Sufferings, as set forth in his Petition.

Read and

Ordered that the Pet^r be allowed and paid out of the publick Treasury the Sum of twelve pounds in full consideration for his Loss of time and Sufferings mentioned. [*Passed December 23.*]

Legislative
Records of the
Council, xxiii.,
490. Mass.
Archives,
lxvi., 84.
Mass.
Archives,
lxvi., 82.
House Jour-
nal, pp. 106, 118.

CHAPTER 136.

ORDER ALLOWING £3 TO EPHRAIM BROWN.

A PETITION of Ephraim Brown of concord setting forth his Apprentice Charles Henley was a Soldier in the Expedition against Crown point, in the Year 1758. in Col^o Nichols's Regiment, that he died at Fort miller, and at the same place delivered his Gun to Captain Adams, to be returned into the Stores, notwithstanding which, the price of said Gun was deducted, from his Wages, in making up the Muster Roll he therefore prays an allowance.

Read, and in Answer to this Petition,

Ordered, that the sum of Three pounds be allowed, and paid out of the Publick Treasury, to the Petitioner, in consideration of the deduction out of his [Servant's]¹ Wages, for the Gun mentioned. [*Passed December 24.*]

Legislative
Records of the
Council, xxiii.,
492.
House Jour-
nal, pp. 110, 119.
Ante, p. 247,
chap. 89.

¹ Inserted from the House Journal, p. 119.

CHAPTER 137.

ORDER IMPOWERING STEPHEN BOYNTON, ADM^R, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
492.

House Jour-
nal, pp. 110, 120,
121. Province
Laws, ii., 151,
chap. 10.

A PETITION of Stephen Boynton, Administrator on the Estate of Benoni Boynton late of Lunenburgh deceased setting forth that the whole of said deceaseds Estate, amounts to the sum of Thirty five pounds, two shillings and eight pence, of which the Real Estate was appraised at Twenty eight pounds, lying in a place called Ipswich Canada, and contains an hundred Acres, that the Debts allowance to the Widow, and necessary Charges amount to Forty four pounds, seven shillings and ten pence, He therefore prays Liberty to sell the Real Estate aforesaid, and that part of the Produce may be improved by the Widow for her support during life and the Residue for payment of his just debts.

[Read and]

Ordered that the said Stephen in his Capacity aforesaid, be im-
powered to make Sale of the hundred Acres mentioned in said Peti-
tion for the most it will fetch, and to make and Execute a good and
sufficient Deed or Deeds of the same, he observing the Rules of the
Law, respecting the Sale of Real Estates by Executors and Admin-
istrators, first giving sufficient caution to the Judge of Probate for
the County of Worcester, that one Third part of the neet proceeds
of such Sale be placed out at Interest, and the Income thereof duly
applied to the use of the Widow of the said Benoni, during her natu-
ral Life, and after her decease to the payment of the said Benonis'
just debts, that the other two Thirds shall immediately after sale,
be also duly applied to the payment of the said Benonis just debts,
and that the remainder (if any there be) be divided to and Amongst
the legal heirs of said Benoni, according to Law. [*Passed Decem-
ber 24.*]

Legislative
Records of the
Council, xxiii.,
494.

Mass.
Archives, cx.,
34. Legisla-
tive Records of
the Council,
xxiii., 491.
House Jour-
nal, pp. 121, 124.
Province
Laws, iv., 344,
note.

CHAPTER 138.

VOTE DIRECTING THE COMMISSARY TO PROVIDE FUEL, &c^A, FOR THE 190 MEN IN BARRACKS AT CASTLE WILLIAM.

Voted that the Commissary General be directed to provide Fuel,
and other Barrack Necessaries, as usual for the One hundred and
ninety men.¹ [*Passed December 24.*]

CHAPTER 139.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES DUE BENJ^A WRIGHT.

Legislative
Records of the
Council, xxiii.,
496. Mass.
Archives,
lxxix., 372.

A PETITION of Benjamin Wright of Boston, setting forth that
he was a Soldier in the Service of the Province, in the year 1759.
in Captain Joseph Newells Company, and Col^o Bagleys Regiment,
that in his absence his Father and Mother both deceased, that as

¹ The House Journal, p. 124, adds, "mentioned in his Excellency's Message of this Morning."

he is under Age, he cannot receive his Wages; he therefore prays he may be impowered by this Hon^{ble} Court to receive the same, or be otherwise relieved.

Read and

Ordered that the Treasurer be directed to pay the Wages due to the Pet^r to M^r Tyler to be by him disposed of for the Use of the Pet^r. [*Passed December 26.*]

House Journal, pp. 110, 111, 127.

CHAPTER 140.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

IN THE HOUSE OF REPRESENTATIVES The House taking into consideration the Petitions of sick and wounded Soldiers, the following Votes passed Viz^t

Legislative Records of the Council, xxiii., 497.

Voted that the sum of three pounds, two shillings, and two pence be paid [out]¹ of the Publick Treasury to Col^o Clap, for the use of Nehemiah Sampson, To Cap^t Richardson, One pound sixteen shillings, for the use of John Headly. To Cap^t Sprout for the use of Ephraim Richmond Ten pounds six shillings, and four pence. To Col^o Otis, for the use of Ebenezer Cloghorn, Two pounds seventeen shillings and four pence, To M^r Fletcher, for the use of Joseph Reed, Three pounds, ten shillings, and eight pence.

Mass. Archives, lxxix., 287, 322, 336, 341, 359. House Journal, p. 125.

In Council Read and Concurred. [*Passed December 26.*]

CHAPTER 141.

ORDER ALLOWING 30/ TO JOHN MARSH.

A PETITION of John Marsh of Mendon, setting forth that he was a Soldier in the Canada Expedition 1758 in Cap^t Nathan Tylers Company, and Col^o William Williams Regiment, that he provided himself with a Gun, at his own Cost, and being in the Action near Ticonderoga lost his Gun Praying an Allowance for the same.

Legislative Records of the Council, xxiii., 499. Mass. Archives, lxxviii., 314.

Read and

Ordered that the Sum of thirty Shillings be allowed & paid out of the publick Treasury to the Pet^r in consideration of the Loss of the Gun mentioned. [*Passed December 27.*]

Mass. Archives, lxxviii., 313. House Journal, pp. 127, 128.

CHAPTER 142.

ORDER DIRECTING THE PROVINCE TREASURER TO STAY EXECUTION AGAINST JOHN SHERMAN FOR THE £4. 19. 3.

A PETITION of Nathan Nye, and John Sherman Constables of Rochester, representing the difficulties they labour under with respect to the Tax laid upon one John Sherman a Quaker Praying the direction of this Court thereupon.

Legislative Records of the Council, xxiii., 500. Mass. Archives, xiv., 190.

¹ Inserted from the State Library copy, Legislative Records of the Council, xxiii., 533.

Mass.
Archives, xiv.,
189. House
Journal,
pp. 114, 125.
Province
Laws, iv., 338,
note. *Ante*,
p. 491, chap.
329.

Read and

Ordered that the Prayer of this Petⁿ be so far granted as that the Treasurer be directed to Stay Execution against John Sherman for the four pounds Nineteen Shillings and three pence till the further Order of this Court. [*Passed December 27.*]

CHAPTER 143.

Legislative
Records of the
Council, xxiii.,
500. Mass.
Archives,
cxvii., 610.

ORDER REMITTING TO THE TOWN OF RAYNHAM £10 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of the Town of Raynham Praying the Fine imposed upon said Town for not sending a Representative the present Year, may be remitted, for the reasons in said Petition mentioned.

Read and

Ordered that the Prayer of the Petⁿ be granted and the Pet^{rs} are allowed to receive ten pounds out of the publick Treasury accordingly. [*Passed December 27.*]

Mass.
Archives,
cxvii., 609.
House Jour-
nal, pp. 7, 126,
127. Province
Laws, iv., 392,
chap. 11; 440,
note.

CHAPTER 144.

ORDER IMPOWERING HANNAH & ASAHIEL RICE, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
501.

House Jour-
nal, pp. 117, 124.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hannah and Asahel Rice of Sutton, in the County of Worcester, Setting forth that Noah Rice late of said Sutton deceased by his last Will gave to Asahel aforesaid all his lands and Buildings, and out of the same hath reserved a maintenance for his Widow, that the said Hannah, and Asahel are appointed joint Executors to said Noah's Will, that said Estate is in debt, and there is nothing but part of the Real Estate left to pay the same, and the said Asahel is not of lawfull Age to Execute Deeds for the same They therefore pray they may be impowered to sell the same,

Read and

Ordered that the Prayer of this Petition be granted; and that the Petitioners be and hereby are impowered (in their said Capacity) to make Sale of the whole of said deceaseds Real Estate, for the most the same will fetch, and to make and Execute a good and Sufficient Deed or Deeds thereof, to the Purchaser, or Purchasers, they observing the directions of the Province Law, relating to the Sale of Real Estates by Executors and Admin^{ors}, and giving sufficient Caution to the Judge of Probate for the County of Worcester, that the proceeds arising by sale thereof be applied to the payment of the just debts of the said deceased, the Legacies given by the Will of the said deceased and whatever is given to the Widow of the said deceased out of the said Real Estate pursuant to the same Will. [*Passed December 27.*]

CHAPTER 145.

ORDER IMPOWERING ELEANOR HENERY, ADMR^x, TO SELL REAL ESTATE,
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Eleanor Henery, of the District of Shirley, in the County of Middlesex, Widow and Administratrix of the Estate of Robert Henery late of Shirley aforesaid deceased Setting forth that he left an Old Dwelling House, and forty Acres of land, about One hundred pounds in Value, that said Estate was indebted considerably more than the personal Estate would discharge, that she was left in difficult circumstances, and seven small Children Praying Liberty to sell the Real Estate of the said deceased, in order to pay his just debts &c^a

Read and

Ordered that the Prayer of this Petition, be so far granted as that the Petitioner, in her said Capacity of Administratrix be, and hereby is Authorized and empowered, to make Sale of all the Real Estate within mentioned, for the most the same will fetch, and to make and Execute a good and Sufficient Deed, or Deeds of Conveyance thereof, she observing the directions of the Law, respecting the Sale of Real Estates, by Executors and Administrators, and giving sufficient Caution to the Judge of Probate, for the County of Middlesex, that the Produce arising by such Sale, shall be applied for the Purposes mentioned, and that the Overplus, [(]if any there be) she be accountable for agreeable to Law. [*Passed December 27.*

Legislative
Records of the
Council, xxiii.,
502.

House Jour-
nal, pp. 106, 123.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 146.

ORDER IMPOWERING JAMES LINCOLN, GUARDIAN, TO SELL LAND.

A PETITION of James Lincoln, Guardian to Heman Lincoln a Minor, son of Isaac Lincoln late of Hingham deceased Setting forth, That on the Settlement of the Estate of the deceased his late Dwelling House, with about five Acres of land was sett off to the minor aforesaid, at the same Time it appeared necessary that about one Third of an Acre of the deceaseds Homestead, should be sett to Isaac Lincoln another of the deceaseds Sons, in order to accommodate him with a convenient Spot to sett a House on; this brought the Line of the one Third, of an Acre aforesaid, within a few feet of the minors House, which greatly incommoded him, and as the Spot of Land is now to be sold, Your Petitioner prays that he may be empowered to dispose of so much of the Minors Land in the Third Division so Called, as to enable him to purchase the same, for the said minors use.

Read and

Ordered that the Prayer of the Petition be granted. And that the Petitioner as Guardian to Heman Lincoln be, and he hereby is empowered to make Sale of so much of the Minors Interest, in the Third Division, so called, in the Town of Hingham, as will be sufficient to enable him to purchase one Third part of an Acre of Land, adjoining to said minors Homestead the said Guardian observing

Legislative
Records of the
Council, xxiii.,
488.

House Jour-
nal, pp. 140, 141.
Province
Laws, ii., 151,
chap. 10.

^a Inserted from the House Journal, p. 123.

the directions of the Law for the Sale of Real Estates, by Executors and Administrators, and accounting with the Judge of Probates for the County of Suffolk, for his doings, in the Sale, and purchase aforesaid. [*Passed December 31.*¹

CHAPTER 147.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £6.6.8 TO DR. CAST.

Legislative
Records of the
Council, xxiii.,
507. Mass.
Archives,
lxxix., 329.

Mass.
Archives,
lxxix., 328.
House Jour-
nal, pp. 107, 108,
129. *Ante*,
p. 619, chap.
115.

A PETITION of Samuel Ross of Ipswich in the County of Essex, Setting forth that his son Samuel was a Soldier in the Expedition against Canada in the year 1759. That upon his return to Boston he was taken sick, and remained so a considerable Time, which was attended with great Expence he therefore prays a Reimbursment.

Read and in Answer

Ordered that the Treasurer be directed to pay the within named Dr Cast Six pounds Six Shillings and eight pence for his administring to the Pet'r's Son as within mentioned Provided the within named Doctor gives the within named Ross a full discharge on the Action withinmentioned. [*Passed December 31.*

CHAPTER 148.

VOTE IMPOWERING THOMAS FOLLANSBY, GUARDIAN, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
507.

House Jour-
nal, pp. 124, 131.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Thomas Follansby of Plastow, in the Province of New Hampshire, Guardian to his minor Grand-children Viz^t Sarah, Mary, David, Abigail and William Sayer; and Attorney to his Grand children Hannah Sayer and Lydia Kelly Setting forth, that there is a narrow strip of Land Situate in Newbury, in the Province of the Massachusetts Bay, containing about Thirteen Acres, and Sixty Rods, belonging to said Grand children by the Death of their Grand-father, William Sayer, that it is incapable of a Division, and of little Advantage to them, to what it might be if Sold Praying he may be impowered to make Sale of said Land; the proceeds arising by said Sale to be improved for the benefit of the Grand children.

[Read and]

Voted, that the Prayer of the Petition be granted, and that the Petitioner be, and hereby is impowered to make Sale of the Land mentioned in said Petition for the most the same will fetch, and execute a good Deed in Law for the same, he observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and Also giving sufficient caution to the Judge of Probates for the County of Essex, to pay the same with Interest (the necessary Charges being first deducted) to each of the said minors their proportionable part, according to their Interest as they shall come of Age, or to their legal Representative. [*Passed December 31.*

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is December 23.

CHAPTER 149.

VOTE IMPOWERING NEHEMIAH CURTIS AND JOHN SNOW TO COLLECT TAXES IN THE DISTRICT OF HARPSWELL.

A PETITION of the Committee for the District of Harpswell Praying that Nehemiah Curtis, and John Snow, may be impowered to collect the Taxes laid upon the Inhabitants of said District &c^a

Read and

Voted that the within named Nehemiah Curtiss and John Snow be required and they are hereby impowered to proceed and perfect the collecting the Taxes within mentioned according to Law, any failure with respect to their qualifications hitherto notwithstanding. [*Passed December 31.*]

Legislative
Records of the
Council, xxiii.,
508. Mass.
Archives,
cxvii., 597.

Mass.
Archives,
cxvii., 596.
House Jour-
nal, pp. 117, 140.
Province
Laws, iv., 441,
note.

CHAPTER 150.

ORDER REMITTING TO THE TOWN OF MEDWAY £20 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Elisha Adams, Representative for the Town of Medway, in behalf of said Town Setting forth that in the Year 1759. the General Court in the May Sessions imposed a fine of Twenty pounds, on said Town for not sending a Person to represent said Town, the same Year Praying for the reasons in said Petition mentioned)¹ that the Fine so imposed may be remitted.

Read and

Ordered that the Prayer of this Petⁿ be granted and the Treasurer is directed to pay the Rep^{ve} of Medway the Sum of twenty pounds for the Use of the said Town accordingly. [*Passed December 31.*]

Legislative
Records of the
Council, xxiii.,
508. Mass.
Archives,
cxvii., 629.

Mass.
Archives,
cxvii., 628.
House Jour-
nal, p. 131.
Province
Laws, iv., 249,
chap. 2; 338,
note.

CHAPTER 151.

VOTE ALLOWING £15.4 TO LIEUT. COL^o ARTEMAS WARD.

A PETITION of Artemas Ward Esq^r Setting forth that in the Year 1758. he was appointed to the Office of Major, in a Regiment of Foot, for the Reduction of Canada, whereof William Williams Esq^r was Colonel, that he afterwards was appointed Lieutenant Col^o the duty of which Office he performed to the End of the Campaign, but was allowed no more than Majors Pay Notwithstanding his Commission as Lieutenant Colonel Praying Relief.

[Read and]

Voted that there be paid To the Petitioner out of the Publick Treasury. the Sum of fifteen Pounds four Shillings being the Difference In the pay of a L^t Col. and a major for four months & Eleven Days. which Time he Served as L^t Col. [*Passed December 31.*]

Legislative
Records of the
Council, xxlii.,
509. Mass.
Archives,
lxxix; 376.

House Jour-
nal, p. 138.

¹ *Sic*, as to parenthesis.

CHAPTER 152.

ORDER ALLOWING £10 AND A FURTHER SUM OF 40/ TO WM MERRY.

Legislative
Records of the
Council, xxiii.,
510. Mass.
Archives,
lxxix., 380.

Mass.
Archives,
lxxix., 373.
House Jour-
nal, pp. 121, 140.
Ante, p. 89,
chap. 199.

A PETITION of William Merry of Norton, a Soldier in the Service of the Province, in the Year 1756. representing his great Sufferings in Captivity, the loss of his Gun &c^a Praying a consideration for the same.

Read and

Ordered that the Sum of ten pounds be paid out of the publick Treasury to Maj^r Mery for the Use of the Pet^r in consideration of his Sufferings mentioned and the further Sum of forty Shillings in consideration of the Loss of his Gun mentioned. [*Passed December 31.*]

CHAPTER 153.

ORDER ALLOWING THE INHABITANTS OF PRINCE TOWN TO LEVY A TAX OF TWO PENCE PER ACRE ON ALL LANDS FOR THREE YEARS.

Legislative
Records of the
Council, xxiii.,
368, 511.

Legislative
Records of the
Council, xxiii.,
492. House
Journal,
pp. 126, 145.
Province
Laws, iv., 342,
343, notes.
Ante, p. 584,
chap. 44.

A PETITION of the Inhabitants and Proprietors of the District of Prince Town,¹ setting forth that the Charges arising in maintaining the Preaching of the Gospel among them, together with the Building a Meeting House, Settling a minister, and making Roads, will be attended with great expence. Praying a Tax may be laid on all the Lands within the said District, for defreying the Charges aforesaid, of four pence p Acre, for the first Year, three pence p Acre for the Second Year and two pence for the future, so long as said Court shall think proper.

The Committee on the foregoing Petition, having reported in favour of a Tax of two pence per Acre for three Years

Ordered That the said Report be accepted: and that there be a Tax of two pence p Acre assessed on the Lands mentioned in said Petition for the term of three years next ensuing to be applied for the purposes therein mentioned. [*Passed January 2.*]²

CHAPTER 154.

ORDER ALLOWING £3 ADDITIONAL ANNUALLY TO ROGER HUNNIWELL.

Legislative
Records of the
Council, xxiii.,
513. Mass.
Archives,
lxxix., 314.

House Jour-
nal, pp. 140, 143.
Province
Laws, xiv., 702,
chap. 176.

A PETITION of Roger Hunniwell of Scarborough in the County of Cumberland, setting forth that he lost his Arm in the Service of the Province, in the Year 1745. Praying an additional sum, as an annual Pension

Read and

Ordered that three pounds in addition to the three pounds already granted be annually paid to the Select Men of the Town of Scarborough for the Use of the Pet^r and Family. [*Passed January 2.*]

¹ The House Journal, p. 145, reads, "*Province-Town.*"

² This date is according to the House Journal; according to Legislative Records of the Council the date is December 31.

CHAPTER 155.

ORDER ALLOWING £6 TO ELISHA PUTNEY.

A PETITION of Elisha Putney of Charlton, in the County of Worcester, Setting forth, that himself and son, were in the Service of the Province, as Soldiers, in the Year 1759. and neither of them received any Bounty Money Praying they may be allowed the same.

Read and

Ordered that the sum of Six pounds, be allowed and paid to Captain Davis for the use of the Petitioner, out of the Publick Treasury. [*Passed January 2.*]

Legislative
Records of the
Council, xxiii.,
513.

House Jour-
nal, pp. 19, 141.
Ante, p. 307,
chap. 240.

CHAPTER 156.

VOTE IMPOWERING DAN^L DIKE, ADM^S, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Dike of Sutton Administrator to the Estate of Ebenezer Witt late of Marlborough in the County of middlesex deceased Setting forth that the said deceaseds Real Estate consists of about Forty Acres of Land, besides the Buildings, which are much out of Repair. The whole being appraised at Eighty six pounds, that the debts amount to Twenty three pounds, more than the personal Estate will pay, and that selling a part only of said Real Estate will much hurt the Sale of the Remainder Praying Liberty in his said Capacity, to sell the whole of said Real Estate for the most the same will fetch, the money arising by said Sale to be improved for the Payment of his just debts, and the remainder to be secured for the benefit of the three Children.

Read and

Voted, that the Prayer of the Petition be granted, and that the Petitioner, in his said Capacity be, and he is hereby empowered to make Sale of the whole of the Real Estate mentioned in said Petition, for the most the same will fetch, and to make and execute a good Deed or Deeds in the Law for the same; he first posting up Notifications of the time and place of Sale agreeable to the Law relating to Executors, and Administrators, in the sale of Real Estates; and giving Caution to the Judge of Probate, for the County of middlesex, that the Proceeds of said Sale be applied, as follows Viz^t The Interest of one Third part thereof to be for the use of the Widow of the deceased during her Life, and at her Death to be divided among the proper heirs of the deceased, and the remaining Two Thirds to be applied for the Payment of the deceaseds Debts, and that the Residue be put to Interest, for the Use and Advantage of the Minors. [*Passed January 2.*]

Legislative
Records of the
Council, xxiii.,
513.

House Jour-
nal, pp. 137, 138,
141, 142. Prov-
ince Laws, ii.,
151, chap. 10.

CHAPTER 157.

ORDER REMITTING TO THE TOWN OF SOUTHBOROUGH £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative
Records of the
Council, xxiii.,
515. Mass.
Archives,
cxvii., 631.

Mass.
Archives,
cxvii., 630.
House Jour-
nal, p. 145.
Province
Laws, iv., 255,
chap. 2; 338,
note.

A PETITION of Ezra Taylor of Southborough, in the County of Worcester, in behalf of said Town setting forth that in the Year 1759, there was a fine of Twenty pounds laid on said Town for not sending a Representative, and that the Fine was as large as was laid on any Town in the Province Praying the said Fine may be remitted.

Read and in Answer

Ordered that the Treasurer be directed to pay the Pet^r the Sum of ten pounds out of the Treasury for the Use of the said Town.
[*Passed January 2.*]

CHAPTER 158.

ORDER IMPOWERING NICHOLAS HUMES AND OTHERS TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
516.

House Jour-
nal, pp. 137, 144.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Nicholas Humes of Uxbridge, and Dorcas his Wife, late Dorcas Williams, Relict of John Williams late of Douglass deceased Richard Humes Guardian to Ruth, Margaret, and Stephen Humes, his Children by his Wife Sarah, who was Daughter to the said John Williams deceased (but now dead) Stephen Williams son of said deceased, and Jonathan Penniman Guardian to Jonathan Williams, a Son of said deceased and Non Compos Mentis setting forth that there is a Tract of land, containing about Sixty Acres, in the Town of Douglass, belonging to the aforesaid heirs, and that it brings in nothing Praying Liberty to sell the same,

Read and

Ordered that the Prayer of this Petition be granted and that the Petitioners in their respective Capacities, be, and they hereby are impowered to make Sale of the Land mentioned in the Petition for the most the same will fetch, and make and Execute a good Deed, or Deeds in the Law, for conveying the same, they first posting up Notifications of the time and place of Sale Agreeable to the Law, relating to Executors, and Administrators Proceedings, in the Sale of Real Estates, and giving Caution to the Judge of Probates for the County of Worcester, that the Money arising by such Sale be applied as follows Viz^t the said Dorcas to have the Interest of One Third, during Life that part of it that shall belong to the Children of the said Richard Humes, to be put to Interest for their Benefit, and that part that may belong to the said Non Compos, be employed for his support and Maintenance, and that upon the Death of the said Dorcas the said third be divided¹ in like manner as the said Estate would have been divided, had it remained undisposed of.
[*Passed January 2.*]

¹ From here the House Journal, p. 144, reads, "among the legal Heirs that then may be."

CHAPTER 159.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF PROPRIETORS OF RUMFORD IN REGARD TO THEIR POSSESSION THEREOF.

A PETITION of Timothy Walker, Clerk, in behalf of the Proprietors of Rumford, setting forth that those who claim the said Township, under the Title of New Hampshire, are so far from looking upon the late Judgment of his majesty in Council, decisive, to the Purpose of quieting the Petitioners, in the Possession of their said Township, that they have brought, several new Ejectments against several Persons, since that Judgment was known. Praying this Court to take their case into consideration.

Legislative
Records of the
Council, xxiii.,
510, 514, 518.

House Jour-
nal, pp. 139, 147,
148.

The Committee having heard the Petitioner and fully considered the Subject matter of his Petition are of Opinion, that One hundred pounds Sterling be granted, and allowed to be paid out of the Publick Treasury, to such person or persons, as shall be appointed by the Proprietors of Rumford, to receive the same, towards enabling them, to prosecute to Effect the Appeal that is now pending. The Committee are further of Opinion that M^r Agent Bollan be instructed to use his Endeavours, in such way and manner as he shall think best, to obtain such Determination and Order of his majesty in Council, as shall quiet the Grantees from this Province of Lands since Assigned to the Province of New Hampshire, in the Possession of their Properties, agreeable to the Order of his late majesty in Council, that private Property should not be affected by the Determination of the Controversy formerly subsisting between this Province, and that of New Hampshire. All which is submitted.

In the Name, and by order of the Committee,

T: HUTCHINSON

Read and

Ordered that this Report be accepted. [*Passed January 3.*]

CHAPTER 160.

VOTE ALLOWING CAPTAINS OR COMMANDING OFFICERS TIME AND PAY FOR MAKING UP MUSTER ROLLS, ETC.

In the House of Representatives;

Voted that the Captains, or Commanding Officers of Companies, who were in the Service at Eastward and Westward in the last Campaign, in the Expedition for the total Reduction of Canada, be allowed the pay of Twenty days after their Return home, for making up their Muster Rolls, also for their Travel to Boston, in order to make up and present the same, allowing Twenty Miles for a days Travel. And that they be allowed to stop on their Rolls, the several sums they and the Suttlers have Advanced for the Men, in distinct Columns, provided that what they have received of the Commissary General, and Pay Master shall be first deducted, and for what they have so received, there shall be a distinct Column in said Rolls, and of all Minors and Servants, one half only of their Wages may be stopped as aforesaid, and that such sum as may be due to the Province, first secured. And that the said Captains be

Legislative
Records of the
Council, xxiii.,
519.

House Jour-
nal, pp. 145, 146.

allowed to stop on their Rolls the several sums due from them, for baking their Bread, and Also the Price of the Arms, as settled by Law, of such Men who have not duly returned the same, the Accounts of the Captains and Suttlers being first laid before a Committee of this Court, and by them approved.

And that Captain Livermore, Captain Richardson, Major Stockbridge, Captain Howard, Col^o Gerrish, M^r Payne, Col^o John Jones, Col^o Ward and Captain Taylor, with such as the honourable Board shall join, be a Committee for that purpose, Three of them to be a Quorum And further that Copies of all such Accounts, be lodged in the Treasury, for the Inspection of the Soldiers: And that there be a Column in said Muster Rolls setting forth what is due to each Man for billeting home, at the Rate of six pence sterling *per* Day, reckoning fifteen Miles, for a Days Travel, from their entering into the Province, to their respective homes,

And Whereas, many of said Soldiers were subsisted in their way home by the Tavern keepers, and others on the Credit of the Government Therefore,

Voted that before such Soldiers shall receive any Part of what shall be due to him on said Roll for billeting he shall make Oath before some Justice of the Peace within the Province, or before the Province Treasurer who is hereby impowered to Administer the same, that he hath not taken up so much upon the Credit of the Province in his Return home, as is due to him for billeting, in that Case he shall receive the ballance.

In Council Read and Concurred, and Isaac Royall, Richard Cutt, William Brattle, Gamaliel Bradford and Thomas Hancock Esq^{rs} are joined in the Affair. [*Passed January 3.*]

CHAPTER 161.

ORDER IMPOWERING ABIGAIL LITTLE, EXECUTRIX, TO SELL SALT MARSH LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxlii.,
517.

Legislative
Records of the
Council, xxlii.,
375. House
Journal, pp. 28,
33, 155, 156.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Abigail Little Executrix of the last Will and Testament of Isaac Little, late of Pembroke deceased setting forth that she preferred a Petition to the General Court last may for the Sale of about Eight Acres of Salt Marsh, for the benefit of her three Children, and that the Prayer of said Petition was not granted she now settts forth that if she cannot Obtain Liberty to sell said Land, the three Children above named must Suffer Praying Relief.

Read and

Ordered that the Prayer of the Petition be granted, and that the said Abigail Little Executrix as aforesaid be, and she hereby is impowered to make Sale of the Eight Acres of Salt marsh, in her former Petition mentioned, for the most the same will fetch, and to make and Execute a good Deed or Deeds of the same, she observing the directions of the Law relating to the Sale of Real Estates by Executors or Administrators, and giving sufficient Caution to the Judge of Probates for the County of Plymouth, that the proceeds arising by said Sale be applied for the Payment of the just Debts of the said deceased. [*Passed January 5.*¹]

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 3.

CHAPTER 162.

VOTE IMPOWERING JOSIAH OSGOOD AND HANNAH HIS WIFE, ADM^s,
TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO
THE PROCEEDS.

A PETITION of Josiah Osgood of Andover, and Hannah his Wife, setting forth that in the Year 1748, she the said Hannah was appointed Administratrix on the Estate of her former husband Jacob Ketteridge late of Tewksbury deceased, that the said Jacob died Seized of a Real Estate consisting of about Forty five Acres of land, part of a Dwelling House, and part of a Barn in said Tewksbury and left two Children, Daughters, that to Divide said Real Estate will be greatly prejudicial to the whole Praying Liberty to sell the same for the most it will fetch, the Produce of said Sale to be disposed of, as this Court shall think proper.

Read and

Voted that the Prayer of this Petition be granted, and that the Petitioner Josiah Osgood, and Hannah his Wife, in their said Capacity, be and they hereby are impowered to make Sale of the Real Estate of the deceased, for the most the same will fetch, and to make and execute a good Deed, or Deeds in the Law, for conveying the same, they first setting up Notifications of the time and place of Sale Agreeable to the Law, relating to Executors, & Adminors proceedings, in the Sale of Real Estates, and giving Caution to the Judge of Probate for the County of Middlesex, that the money arising by such Sale be applied as follows, Viz^t The Interest of one third part to be for the use of the Widow of the deceased, during her Life, and at her Death to be divided among the proper heirs of the deceased, and the remaining two Thirds to be put to Interest for the Use, and Advantage of the Minors. [*Passed January 5.*]

Legislative
Records of the
Council, xxiii.,
520.

House Jour-
nal, pp. 150, 151.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 163.

ORDER IMPOWERING JOSEPH DRAPER AND ABIGAIL, HIS WIFE, JOHN RICHARDSON, JOSEPH WHITING AND ASA RICHARDSON, GUARDIANS, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Draper of Dedham, and Abigail his Wife, and Others, Guardians to the Children of Joseph Richardson late of Wrentham deceased Setting forth that the said Joseph died Seized and possessed of a Real Estate in Buildings and Lands in said Wrentham consisting of about Eighty Acres, part being improved Lands That said Estate has for several Years past been leased out, but is unfit for any further Lease, without great Expence on the same, and that said Estate is considerably indebted They therefore pray Liberty to make Sale of said Real Estate for the most the same will fetch &c^a

Read and

Ordered that the Prayer of the Petition be so far granted, as that the said Joseph Draper and Abigail his wife, and John Richardson, Joseph Whiting, and Asa Richardson Guardians, be hereby Authorized and impowered to make sale of all the Real Estate of the said

Legislative
Records of the
Council, xxiii.,
521.

House Jour-
nal, pp. 107, 151.
Province
Laws, ii., 151,
chap. 10.

deceased in Wrentham for the most the same will fetch, and to Execute a good Deed or Deeds, for the same, Provided the Petitioners observe the direction of the Law, relating to the sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate, for the County of Suffolk, that the Produce arising by the Sale thereof, shall be disposed of, for paying the Just Debts of the said deceased, and two Thirds of the Remainder thereof with the Interest arising on the same, the said Guardians to account for with the said minors, as they respectively come of Age, and the said Joseph Draper and Abigail Draper to have the Interest of the other third during the Natural Life of the said Abigail, the said Third to be divided amongst the heirs of the said deceased or their legal Representatives, in the same Proportion as Real Estates Intestate, are by Law Settled. [*Passed January 5.*]

CHAPTER 164.

ORDER IMPOWERING JOHN CLARK TO BRING FORWARD A WRIT OF REVIEW.

Legislative
Records of the
Council, xxiii.,
491. Mass.
Archives,
xliv., 436.

A PETITION of John Clark of Boston, praying Liberty to have another Tryall on a Review in a cause between him and Doctor Philip Godfrey Kast, at the next Superior Court for the County of Suffolk, the two Judgments mentioned Notwithstanding.

Read together with the Answer of Doc^r Kast, and

Mass.
Archives,
xliv., 432, 434.
Legislative
Records of the
Council, xxiii.,
522, 525. House
Journal,
pp. 118, 158.

Ordered That the Prayer of the Petition be granted. And that the Petitioner be & he hereby is enabled and impowered to bring a Writ of Review of the Action therein mentioned at the next Superior Court to be holden in the County of Suffolk: And the Justices of said Court are hereby impowered to hear and try the same, make up Judgment and award Execution thereon, the former Judgments notwithstanding. [*Passed January 5.*¹]

CHAPTER 165.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
523.

IN THE HOUSE OF REPRESENTATIVES; The House entered into the consideration of the Petitions of sick and wounded Soldiers, and thereupon

Mass.
Archives,
lxxix., 378.
House Jour-
nal, p. 156.

Voted, That the sum of Three pounds ten shillings, be allowed and paid out of the Publick Treasury to Col^o Moses Marcy, for the use of Henry Hucker, and twelve shillings for the use of Ebenezer Taylor, and twelve shillings for the use of Joseph Ammidown, and twelve shillings for the use of Jonathan Streater.

In Council Read and Concurred. [*Passed January 6.*]

¹ This date is according to Mass. Archives; according to the House Journal (final action being in the House) the date is January 6, while Legislative Records of the Council gives two records (duplicates) under date of January 5 and 6 respectively.

CHAPTER 166.

ORDER AND VOTE ALLOWING £60 AND A FURTHER SUM OF £24 TO
ROBERT BALL.

A PETITION of Robert Ball, Keeper of the Light house setting forth, that on the Nineteenth day of November last, Twenty seven Years expired, since he has kept the same, for the last Year of which time he has received no recompence, that he has advanced the sum of Twenty four pounds for Thirty Cords of wood for the benefit of the Light, and that all kinds of Provisions, have greatly advanced in Price the Year past Praying his Allowance may be Advanced in proportion to the Price of Provisions, and reimburse him the sum of Twenty four pounds he paid for Firewood &c^a

Legislative
Records of the
Council, xxiii.,
526.House Jour-
nal, pp. 155, 158.

Read and

Ordered that the sum of Sixty pounds be allowed, and paid out of the Publick Treasury to the Petitioner for his Services in taking Care of the Light house, ending the Nineteenth day of November 1760. Also

Voted that the further sum of Twenty four pounds, be paid to the Petitioner in full of his Account, for the Wood expended for the benefit of the light, during that time. [*Passed January 6.*]

CHAPTER 167.

ORDER ALLOWING TO SARAH CASWELL THE WAGES OF HER SON.

A PETITION of Sarah Caswell of Taunton, Widow Setting forth, that her son Henry Aged about Nineteen Years, entered as a Soldier in his Majesty's Service Eastward, in Captain Glovers Company 1759, that his Father died Insolvent, and his Guardian is also deceased She therefore Prays, she may be enabled to draw the Wages due to her said deceased son, as made up in said Glovers Roll.

Legislative
Records of the
Council, xxiii.,
526.House Jour-
nal, p. 155.

Read and

Ordered that there be allowed, and paid out of the Publick Treasury to Captain James Williams, the Wages due to Henry Caswell deceased for the use of the Petitioner Sarah Caswell. [*Passed January 6.*]

CHAPTER 168.

ORDER REMITTING TO THE TOWN OF UXBRIDGE £8 FINE FOR NOT
SENDING A REPRESENTATIVE.

A PETITION of Solomon Wood, Representative for the Town of Uxbridge Setting forth that said Town was Fined fifteen pounds in the Year 1759. for not sending a Representative, that they are a very small Town &c^a Praying said Fine may be remitted.

Read and in answer

Ordered that the Sum of eight pounds be allowed to be paid out of the publick Treasury to Cap^t Wood for the Use of said Town of Uxbridge. [*Passed January 6.*]

Legislative
Records of the
Council, xxiii.,
527. Mass.
Archives,
cxvii., 627.Mass.
Archives,
cxvii., 626.
House Jour-
nal, p. 159.
Province
Laws, iv., 255,
chap. 2; 338,
note.

CHAPTER 169.

ORDER IMPOWERING HANNAH & JOS: CHAFFEE, ADMINISTRATORS, TO
SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE
PROCEEDS.

Legislative
Records of the
Council, xxiii.,
527.

House Jour-
nal, pp. 157, 158.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Hannah Chaffee Widow, and Joseph Chaffee yeoman, both of Wales in the County of Hampshire, Administrators on the Estate of Joseph Chaffee of said Wales deceased Setting forth that the Debts due from said Estate, exceed the personal Estate of said deceased, the sum of Ninety one pounds, ten shillings and four pence farthing, and that Twenty three pounds, part of said personal Estate is in Debts due by Notes, not payable till February 1762 They further represent, that the Real Estate of said deceased consists of a home Lott of 100, Acres appraised at £225 A Lott of Wood land 32 Acres appraised at 6/ p Acre another Lott of Six Acres and half, appraised a 2^s 4/, p Acre and another Lott of Sixty Acres, appraised at 6/ p Acre. they likewise set forth that it will be of Advantage to the heirs, that the whole of said Real Estate be sold, it being necessary that so great a part of it must be Praying they may be impowered to sell and convey the whole of said Estate, under such Restrictions as this Court shall think proper, and that inasmuch as the personal Estate of said Intestate is taken for payment of his Debts, and the Real Estate Yeilds a very small profit, and so her proportion in said Estate less than what generally happens to Widows, that she may be allowed such part of the proceeds of the Sale as may be thought reasonable,

Read and

Ordered that the Prayer of this Petition be granted and the Petitioners are hereby fully impowered in their said Capacity to make Sale of the whole of the Real Estate of the deceased, for the most the same will fetch, and to make and Execute, a good Deed or Deeds in the Law for conveying the same, they first posting up notifications of the time and place of Sale, agreeable to the Law, relating to Executors and Administrators Proceedings, in the Sale of Real Estates, and giving Caution to the Judge of Probates for the County of Hampshire, that the Interest of one third part of the proceeds of such Sale, be for the use of the said deceaseds Widow during her Natural Life, and that at her decease, the principal sum, together with so much of the other two Thirds of the Produce of said Sale, as (after payment of the deceaseds just Debts, and other necessary Charges, and a reasonable Allowance to said Widow, for, or in Lieu of Utensils of Household, necessary for upholding of Life) shall remain in their hands upon ballance of their Accounts of administration of said Estate shall be distributed among the heirs of said deceased according to their Interest therein, and that they Account with the said Judge, touching their Proceedings in the Premisses. [*Passed January 6.*]

CHAPTER 170.

ORDER ALLOWING £4.4 TO THO^S WINSLOW, ESQ^R.

A PETITION of Thomas Winslow of Harwich, in the County of Barnstable Esq^r shewing that he was appointed by the late Governor Pownall, to pass muster on the Soldiers to be raised in the year 1759, belonging to his Regiment; and received Province notes, in order to pay off such Soldiers, as should pass muster and after paying off such Soldiers, and settling the Accounts, there appeared to be four pounds, four shillings lost, which he conceived to be by Mistake, in delivering of two Eight pounds, two shillings notes, instead of two six pounds each; he therefore prays the consideration of this Court, for the Reasons mentioned,

Read, and

Ordered, That the Prayer of this Petition be granted, and that the Sum of Four Pounds four Shillings be paid out of the Province Treasury to the Petitioner in full of the Loss sustained. [*Passed January 6.*]

Legislative
Records of the
Council, xxiii.,
528. Mass.
Archives,
lxxix., 295.

Mass.
Archives,
lxxix., 295.
House Jour-
nal, pp. 147, 157.

CHAPTER 171.

ORDER FOR TRANSFER OF APPROPRIATIONS.

Ordered that the sum of Two thousand pounds be transferred from the appropriation for Forts and Garrisons to the appropriation where there is no Establishment. [*Passed January 6.*]

Legislative
Records of the
Council, xxiii.,
530.

House Jour-
nal, p. 159.
Province
Laws, iv., 376,
chap. 8.

CHAPTER 172.

ORDER IMPOWERING MARY OLD, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Old, Administratrix on the Estate of her late husband Reuben Old, late of Brookfield deceased & Comfort Old of said Brookfield Guardian to the two Children of the said deceased Setting forth that the said deceased died Seized of about Eighty five Acres of Land in Brookfield, very little Improvement thereon, and was appraised at One hundred and One pounds, that the same will not Rent for more than three hundred Pounds¹ p^a Annum, and what Improvements are thereon grow worse daily, and it is with great difficulty that said Widow and two Children are maintained Praying that the said Mary, may in her Capacity be empowered to make Sale of said Lands, that the money arising by such Sale be put out on Interest, that the said mary enjoy one Third of such Interest during Life, and that the other two Thirds be for the use of the said Children, and at the Death of the said Mary, the said third to belong to the Children also.

Read and

Ordered that the Prayer of this Petition be granted, and that the

Legislative
Records of the
Council, xxiii.,
530.

House Jour-
nal, pp. 137, 153.

¹ *Sic.*

Petitioner Mary Old in her Capacity of Administratrix be and she hereby is impowered to make Sale of the Real Estate of the deceased, for the most the same will fetch, and to make and Execute a good Deed or Deeds in the Law for conveying the same, she observing the Law in such Case respecting the Sale of Real Estates by Executors and Administrators, and giving Caution to the Judge of Probate for the County of Worcester that the money arising by such Sale be applied as follows Viz^t the Interest of One Third part thereof to be for the Use of the Widow of the deceased during her Life, and at her decease to be divided among the heirs of the said deceased, the other two thirds to be paid to the Guardian of the said Children for their Use. [*Passed January 6.*]

CHAPTER 173.

ORDER IMPOWERING KEZIAH HASKELL, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
532.

House Jour-
nal, p. 154.

A PETITION of Keziah Haskell, Administratrix on the Estate of her late Husband Zachariah Haskell late of Hardwick deceased, Setting forth, that upon the Settlement of her Administration Account by the Judge of Probate for the County of Worcester, in August last, the ballance then in her own hands, was only Three pounds one shilling and an half penny, that the debts due to said Estate, already come in amount to Fourteen pounds, eleven shillings and three pence, that the deceased left six Children all Young, that the Real Estate consisted of about Fifty eight Acres, and an half with some Improvements thereon, appraised at Ninety three pounds six shillings and eight pence, rents for the sum of Three pounds only, and daily grows worse Praying Liberty to make sale of the whole of said Real Estate, in order to discharge the debts &c^a and the Remainder, one third thereof, she prays the Interest thereof during Life, and the other two Thirds put out at Interest for the use of the Children, and at her Death, they to have the other third also.

Read and

Ordered, that the Prayer of the Petition be granted, and that the Petitioner, in her said Capacity be, and she is hereby impowered, to make Sale of the Real Estate of the said deceased, for the most the same will fetch, and to make and execute a good Deed or Deeds, in the Law for the conveying the same, she first posting up Notifications of the time and place of Sale, agreeable to the Law, relating to Executors and Administrators, proceedings in the Sale of Real Estates, and giving Caution to the Judge of Probates for the County of Worcester that the money arising by such Sale be applied as follows Viz; the Interest of one Third part thereof to be for the use of the Widow of the deceased during Life, and at her Death to be divided in like manner, as the said Estate, would have been divided, had it remained undisposed of, the other Two thirds to be applied for the payment of the deceaseds Debts, and that the Residue be put to Interest, for the use and Advantage of the minors. [*Passed January 7.*]

CHAPTER 174.

ORDER IMPOWERING MARY FAULKNER, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Faulkner, Widow, and Administratrix on the Estate of Abiel Faulkner late of Andover deceased Setting forth, that the Estate of the said Abiel is Thirty nine pounds, seventeen shillings, and eight pence half penny in Debt, more than his personal Estate will pay, that said Estate is but small, consisting of Seven Acres of mowing Land with a House and Barn on the same, and three Acres of Pasture land, and eleven Acres of Woodland that it will be a great Detriment to said Estate to divide it, or sell a part without the whole Praying she may be enabled in her Capacity of Administratrix as aforesaid to make Sale of said Real Estate to discharge the deceaseds just debts, and the remainder for the benefit of the heirs &c^a

Read and

Ordered that the Prayer of the Petition be granted, and that the Petitioner, in her said Capacity be, and she is hereby empowered to make Sale of the Real Estate of the deceased for the most the same will fetch, and to make and execute a good Deed or Deeds in the Law for conveying the same she first posting up Notifications of the time and place of Sale, Agreeable to the Law, relating to Executors and Administrators proceedings, in the Sale of Real Estates and giving Caution to the Judge of Probate for the County of Essex, that the money arising by such Sale be applied as follows Viz^t The Interest of one Third part thereof, to be for the use of the deceaseds Widow during Life, and at her Death to be Divided in like manner, as the said Estate would have been divided, had it remained undisposed of, and the remaining two Thirds be applied for the payment of such Debts, as may be still due, and the residue be put to Interest, for the use and Advantage, and proper Support of said minors, and be put into the hands of their Guardians for that purpose. [*Passed January 7.*]

Legislative
Records of the
Council, xxiii.,
533.

House Jour.
nal, p. 154.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 175.

VOTE THAT THE NON-COMMISSIONED OFFICERS AND SOLDIERS BELONGING TO THE REGIMENT COMMANDED BY COL. JOHN WHITCOMB BE ALLOWED WAGES FROM THE DATE OF THEIR ENLISTMENT.

A PETITION of John Whitcomb Esq^r in behalf of a Number of Soldiers belonging to his Regiment, in the last Campaign Westward, Praying they may be allowed Wages from the time of their Inlistment in June, notwithstanding they did not pass muster till July, for the Reasons in said Petition sett forth.

[Read and]

Voted, That the Noncommission Officers and Soldiers in the last Campaign belonging to the Regiment whereof the said Whitcomb was Colonel that inlisted after the twelfth Day of June last be allowed Wages from the Dates of their respective Inlistments, their not being mustered notwithstanding. [*Passed January 8.*¹]

Legislative
Records of the
Council, xxiii.,
534. Mass.
Archives,
lxxix., 365.

Mass.
Archives,
lxxix., 364.
House Jour.
nal, pp. 149, 160.

¹ This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 7.

CHAPTER 176.

ORDER IMPOWERING REV^d MR. AMOS ADAMS, SAMUEL GRIDLEY AND STEPHEN WILLIAMS, TRUSTEES, TO SELL LANDS, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
536.

House Jour-
nal, p. 161.
Province
Laws, xlii., 92,
chap. 190.

A PETITION of Amos Adams Clerk, and of Samuel Gridley and Stephen Williams Deacons of the first Church, in Roxbury, Trustees of all those Lands Tenements &c^a which M^r Thomas Bell in his last Will and Testament bequeathed to the Maintenance of a free School in Roxbury forever Setting forth that they now hold in Trust, a Tract of land, containing by Estimation, six Acres, lying at a place called Rocky Swamp, in the first Parish in Roxbury also two Acres of Upland, Adjoining thereto purchased by the aforesaid Trustees for the use aforesaid, to which they were empowered by the Great and General Court, March the 31st 1741 That they have not been able to Lease either of the aforesaid Tracts of Land, or otherwise to reap any Advantage from them for several Years past, nor is there any Prospect of doing it for time to come. Praying Liberty to sell the Lands mentioned and invest the Produce in other Lands, or put the money produced thereby, on Interest, for the Reasons mentioned.

Read and

Ordered that the Prayer of the Petition be granted, and that the Rev^d M^r Adams, Samuel Gridley and Stephen Williams as Trustees of the last Will and Testament of M^r Bell, be, and hereby are empowered to make sale of the said six acres of Swamp, or Meadow Ground, as Also of the two Acres of Upland adjoining thereto, for the most they will fetch, and to make and Execute a good and sufficient Deed, or Deeds, in the Law for the same, Provided the Proceeds coming by such Sale or Sales be put out to Interest on good Security, payable to the said Rev^d M^r Amos Adams, Samuel Gridley and Stephen Williams in their said Capacity, and to their Successors, in said office and Trust, untill such time as they the said Trustees, or their Successors, may have good Opportunity to purchase other Real Estate that may be of greater Advantage, and Income to the said free School And provided also that the annual Profits or Interest of the Money so let out, and the lands, or other Real Estate, when purchased, be applied to the use, and for the benefit of the said Free School, as the Feoffees of the said School for the time being may order and for no other use whatsoever. [*Passed January 8.*]

CHAPTER 177.

ORDER IMPOWERING JOSIAH KEEN AND SARAH, HIS WIFE, ADM^s, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
537.

House Jour-
nal, pp. 148, 160.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Josiah Keen Esq^r of Pembroke in the County of Plymouth, and Sarah his Wife, Setting forth that the said Sarah was Administratrix on the Estate of Captain Christopher Tilden late of Boston in the County of Suffolk deceased, and Guardian to David, Sarah, Abigail, Christopher, and Joseph Tilden, the Children and heirs of the aforesaid Christopher deceased That

the late Fire in the Town of Boston, on the 20th of March last consumed the Dwelling House belonging to the said Estate leaving the Chimneys standing which are constantly taking Damage, apprehending it will be much for the Advantage of the heirs, (being all minors) to sell the same for their benefit,

Read and

Ordered that the Prayer of this Petition be granted and that the Petitioners be and they hereby are impowered to make Sale of the Land abovementioned for the most the same will fetch, and to make and Execute a good Deed, or Deeds for Conveying the same they observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators and giving sufficient Caution to the Judge of Probate for the County of Suffolk, that the proceeds arising by said Sale be applied as follows Viz^t the Interest of one Third part thereof to be for the use of the Petitioners, during the Life of the said Sarah, the Petitioner & afterwards to be divided amongst the heirs of the said Christopher Tilden deceased in like manner as thô said Land had not been sold, the remaining two Thirds, to be put out on Interest, for the Use of said heirs. [*Passed January 8.*]

CHAPTER 178.

VOTE IMPOWERING WALTER SPOONER AND SARAH BROWNELL, GUARDIANS, TO SELL A QUARTER PART OF A SAW MILL, AND EXECUTE A DEED THEREFOR.

A PETITION of Walter Spooner and Sarah Brownel (Widow and Relict of William Brownel late of Dartmouth deceased) and Guardians to all the heirs of the said William Setting forth That Whereas George Brownel late of Dartmouth aforesaid deceased did in and by his last Will and Testament duly Proved and approved, Give unto his son Jonathan Brownel, all that land which he bought of Seth Tabor to the Eastward of the Country Road, Provided his Executors did not dispose of the same for the payment of his just debts; but provided his Executors sold said land for the payment of his debts; in that Case he in said Will, Ordered, That his son William abovenamed should pay to the said Jonathan the sum of Four hundred pounds Old Tenor, Whereupon Elizabeth Brownel and the said William the Executors of said Will sold part of the land which was given, to the said William in said Will for the payment of said Debts; and reserved the Land which was given to the said Jonathan, for the use of him the said William choosing to pay to the said Jonathan the abovesaid Four hundred pounds in Lieu thereof; that said William in his Life time by Verbal contract sold to the said Jonathan one Quarter part of a Saw Mill with one quarter part of All the Appurces at a place called Youngs Dam in said Dartmouth in part to ballance said four hundred pounds: but no Deed of Conveyance was given of said part of said Mill: Neither does it Appear by any Receipts or otherwise, that ever the said Jonathan was paid, So that the said Jonathan declines Quitting his Claim to said land until such time as some Person is enabled to give him a good Deed Lawfully Executed of said part of said Mill Praying that this Court would Impower some Person to Give the said Jonathan A Deed of said part of said mill.

Legislative
Records of the
Council, xxiii.,
53s.

House Jour-
nal, p. 161.

[Read and]

Voted that the Prayer of this Petition be so far granted as that the Petitioners (in their said Capacity) be and hereby are Authorized and Impowered to make Sale of and Execute a good and Sufficient Deed of one Quarter part of the Saw mill within mentioned, with the Appurtenances thereunto belonging to the said Jonathan Brownell his heirs and Assignes forever. [*Passed January 8.*]

CHAPTER 179.

ORDER ALLOWING £8 TO EDW^d WHALEN.

Legislative
Records of the
Council, xxiii.,
540. Mass.
Archives,
lxxix., 335^a.

Mass.
Archives,
lxxix., 334.
House Jour-
nal, pp. 103, 166.

A PETITION of Edward Whalen Setting forth that he was a Soldier at Fort Western, that he was sent from thence to Fort Halifax with a Letter of importance just before Oswego was taken, That on his way he was surprized and taken by the Indians who striped him of every thing, and carried him to Quebec, where he remained about two years, and was then sent to France. Praying an Allowance for his loss of time and Sufferings,

Read and

Ordered that the Sum of Eight pounds be allowed and paid out of the publick Treasury to the Pet^r in full. [*Passed January 8.*]

CHAPTER 180.

ORDER IMPOWERING EBENEZER WRIGHT, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
540.

House Jour-
nal, pp. 137, 165.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Ebenezer Wright of Brookfield in the County of Worcester, Administrator to the Estate of John Goss late of Brookfield deceased and one of the heirs to said Estate by Thankfull his Wife Setting forth That the Real Estate of the said John Consists of about Sixty Acres of land in Brookfield an Old House and Barn with some Improved lands thereon, and will not admit of a Division among the heirs without Spoiling the whole, the heirs are one son and three Daughters, two of which are married and the other near marriage, and about nineteen Years of Age, the only son about Eleven years old, and the personal Estate of the said John amounts to no more than Two pounds nine shillings and eleven pence farthing more than the debts already appeared exclusive of Costs of Settlement Praying he may be impowered (in his Capacity aforesaid) to make Sale of the Lands and Buildings aforesaid.

Read and

Ordered that the Prayer of the Petition be Granted and that the Petitioner (in his Capacity of Administrator) be and he is hereby impowered to make Sale of the Real Estate of the deceased for the most the same will Fetch, and to make a good Deed or Deeds for conveying the same, he first duly Posting up Notifications of the time and place of Sale, agreeable to Law relating to Executors and Administrators proceedings in the Sale of Real Estates, first giving Caution to the Judge of Probate for the County of Worcester to

pay all the Interested that are of Age, and to the Guardians of those under age their respective Shares of the Neet proceeds of such Sale as soon as the same are received. [*Passed January 8.*]

CHAPTER 181.

ORDER ALLOWING £12 EACH TO PHILIP POOR, PHILLIP FLING & JOHN KINGSLEY.

A PETITION of Philip Poor, Philip Fling, and John Kinsley Setting forth That they were on board the Province Snow Prince of Wales Captain Dowse late Commander when she was taken by a French man of War and carried into Louisbourg, from whence they were carried to Old France and kept in Goal there for a long time Praying an Allowance for their loss of time and Sufferings. Read and

Ordered that the sum of twelve pounds be allowed and paid out of the publick Treasury to each one of the Pet^{rs} in full for their sufferings mentioned. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
541. Mass.
Archives,
lxvi., 108.

Mass.
Archives,
lxvi., 106–109.
House Jour-
nal, pp. 159, 166.

CHAPTER 182.

RESOLVE ALLOWING £50 TO THE SECRETARY.

Resolved, That the sum of Fifty pounds, be granted and allowed to be paid out of the Publick Treasury, to the Honourable Andrew Oliver Esq^r Secretary of this Province, for his Services for one year, ending the Sixth day of December last. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
541.

House Jour-
nal, p. 162.

CHAPTER 183.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Resolved, That there be granted and Allowed to be paid out of the Publick Treasury to the Honourable Thomas Hubbard, Esq^r Commissary General, the sum of One hundred and fifty pounds, for one years service ending the Eleventh Instant. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
541.

House Jour-
nal, p. 162.

CHAPTER 184.

RESOLVE ALLOWING £267 TO THE TREASURER.

Resolved, That the sum of Two hundred and Sixty seven pounds, be granted and allowed to be paid out of the Publick Treasury, to Harrison Gray Esq^r Treasurer and Receiver General of his majesty's Revenues of this Province, for a years Service, ending the twenty third of December last. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
541.

House Jour-
nal, p. 162.

CHAPTER 185.

RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative
Records of the
Council, xxiii.,
541. Mass.
Archives, 1.,
147.

House Jour-
nal, pp. 162, 163.

In the House of Represent^{ves}

Resolved, That there be granted and allowed to be paid out of the publick Treasury, the Sum of four Shillings per Diem, to the honorable James Otis, Esq^r Speaker of the House, for every Day of his Attendance in the General Court, from the opening of the Session, on the 28th Day of May 1760, over and above his Pay as a Member of this House.

In Council Read & Concurred. [*Passed January 8.*]

CHAPTER 186.

RESOLVE ALLOWING £75 TO THE CLERK.

Legislative
Records of the
Council, xxiii.,
542.

House Jour-
nal, p. 163.

Resolved, That there be granted and allowed to be paid out of the Publick Treasury, the sum of Seventy five pounds to Roland Cotton Esq^r Clerk of the House of Representatives; for his Service during the several Sessions of the General Court for the year past, ending the first day of February next. [*Passed January 8.*]

CHAPTER 187.

RESOLVE ALLOWING £12 TO THE CHAPLAIN.

Legislative
Records of the
Council, xxiii.,
542. Mass.
Archives, xlv.,
203.

House Jour-
nal, p. 163.

Resolved, That there be allowed and paid out of the publick Treasury the Sum of Twelve pounds to the Reverend M^r Samuel Cooper, Chaplain to the honorable Board, and the honorable House of Representatives, the Current Year. [*Passed January 8.*]

CHAPTER 188.

RESOLVE ALLOWING £50 TO LIEUT. JOHN LARRABEE.

Legislative
Records of the
Council, xxiii.,
542.

House Jour-
nal, p. 163.

Resolved, That there be allowed and paid out of the Publick Treasury, the sum of Fifty pounds to John Larrabee, Lieutenant of his Majesty's Garrison at Castle William, in consideration of his faithful discharge of that Trust reposed in him. [*Passed January 8.*]

CHAPTER 189.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £40 TO THE DOOR KEEPER.

Resolved, That there be allowed and paid out of the Publick Treasury the sum of Sixty pounds to M^r William Baker, Door-keeper to his Excellency the Governor, and this Court, for his Service for one year, to be paid Quarterly; and Also the further sum of forty pounds, in consideration of his Expençe in hiring Assistance, and extraordinary Care and Trouble as Door keeper. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
542.

House Jour-
nal, p. 164.

CHAPTER 190.

RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Resolved, That there be allowed and paid out of the Publick Treasury the sum of forty pounds, to M^r John Phillips, Chaplain at his majestys Castle William, for one year, in consideration of his faithfull discharge of that Trust. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
543.

House Jour-
nal, p. 164.

CHAPTER 191.

ORDER ALLOWING £2. 17. 1 TO JAMES CUSHING.

A PETITION of James Cushing of Scituate Setting forth That his son James a minor, Inlisted into his Majesty's Service in the year 1759, under General Amherst, and was Ordered to Castle William, where he was taken sick, that he was at considerable Expençe and Trouble, during his sons Sickness Praying an Allowance for the same.

Read and

Ordered that the Sum of two pounds seventeen shillings and one penny be paid out of the publick Treasury to Col^o Clap for the Use of the Pet^r. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
544. Mass.
Archives,
lxxix., 282.

Mass.
Archives,
lxxix., 282.
House Jour-
nal, p. 167.

CHAPTER 192.

ORDER ALLOWING £3 TO ROBERT SLOSS.

A PETITION of Robert Sloss Setting forth, That he is a poor person, an Inhabitant of no Town in the Province, that by reason of Age, and bodily infirmities, he is not able to Work, that he has lost three sons in the late Service, Praying a Grant of this Court.

Read and

Ordered that the Sum of three pounds be allowed and granted out of the Publick Treasury to Cap^t Eliphalet Leonard for the Use of the within named Robert Sloss. [*Passed January 8.*]

Legislative
Records of the
Council, xxiii.,
544. Mass.
Archives, cv.,
608.

Mass.
Archives, cv.,
607. House
Journal,
pp. 120, 167.

CHAPTER 193.

ORDER IMPOWERING ABIGAIL PARKMAN, SAM^l WELD AND EBENEZER CHENEY, ADMINISTRATORS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
544.

Legislative
Records of the
Council, xxiii.,
529. House
Journal,
pp. 132, 157.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Abigail Parkman Widow Relict and Administra-
trix of Elias Parkman late of Boston Physician deceased and Samuel
Weld and Ebenezer Cheney of Roxbury Administrators to the Estate
of Thomas Weld late of said Roxbury deced Setting forth, That the
Petitioners husband Elias Parkman deced in right of his Father Elias
Parkman late of said Boston Mastmaker deceased, who in his life
time bought of John Weld Eldest son of Edmund and Elizabeth
Weld late of said Roxbury deceased two sixth parts of land in Leices-
ter (now Spencer) belonging to the heirs of said Edmund and Eliz-
abeth the other four parts belonging to the rest of the heirs of said
Edmund and Elizabeth. viz^t Dorothy Dorr, Elizabeth Wise and Joseph
Bryant of Stoneham, Thomas Weld aforesaid aforesaid,¹ the heirs
of Edmund Weld deceased viz^t Samuel Weld aforesaid Edmund
Weld Joseph Weld Edward Weld, Paul Speer, Ebenezer Stevens
and John Renolds in behalf of their Wives who are Daughters of
the said Edmund & Elizabeth, all of whom have impowered Wil-
liam Parkman of said Boston, to mannage for them all that concerns
the said Land And Also the said Samuel Weld and Ebenezer Cheney
Adminors aforesaid Praying Liberty to sell the share of the said
Thomas Weld deceased, there being an Oppertunity to sell the whole
being One hundred and twenty two Acres, which cannot be divided
into twelve parts without Spoiling the whole, and that William Park-
man in his Capacity aforesaid, have liberty to sell the same.

Read and

Ordered that the Prayer of the Petition be granted, and that said
William Parkman, be and hereby is impowered in said Capacity to
make Sale of the said hundred and twenty two Acres of Land men-
tioned in the Petition (of Abigail Parkman Administratrix &c^a of
Elias Parkman deceased and Samuel Weld &c^a Administrators to
the Estate of Thomas Weld deceased) and to make and Execute a
good and Sufficent Deed or Deeds in the Law of all said premisses,
Provided he observes the Steps of the Law for the Sale of Real
Estates, and give proper caution to the Judge of Probates for the
County of Suffolk, that the proceeds coming by such Sale shall be
Equally distributed among all the heirs according to their respec-
tive Interest. [*Passed January 8.*²

CHAPTER 194.

ORDER IMPOWERING SARAH PIERCE, ADM^x, TO SELL AN ESTATE AND
MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
545.

Province
Laws, ii., 151,
chap. 10.

A PETITION of Sarah Pierce, Administratrix of the Estate of her
husband William Pierce late of Groton in the County of middlessex
yeoman deceased Setting forth, That the said William Pierce died
Seized and Possessed of about Twenty five Acres of land in Groton

¹ *Sic.*

² Legislative Records of the Council, xxiii., gives duplicate records of this action on
pp. 529 and 544 and under dates of January 6 and 8 respectively.

aforesaid, with a Barn and a large new Dwelling House (partly finished) standing on the same, all which your Petitioner Imagines will sell at this time for about One hundred and forty pounds Lawful money That the said deceaseds Debts with the maintenance of the deceaseds Children, Amounts to the sum of twenty two pounds six shillings and six pence farthing more than the personal Estate Amounts to, that she cannot sell a part of the premisses without Spoiling the whole ('as the Buildings amounts to the value of more than half the whole, that she has now an Oppertunity of Selling the whole to Advantage, therefore Praying she may have liberty in her said Capacity to sell the whole premisses for the most they will fetch and that she may have the use and Improvement of the one third part of the Proceeds of said sale during her natural life, and that the Remaining two Thirds be applied for the payment of the said deceaseds just debts and for the benefit of the heirs of the said deceased,

[Read and]

Ordered that the Prayer of the foregoing Petition be granted, and that the Petitioner in her said Capacity be impowered to make Sale of the lands and Buildings in said Petition mentioned, to the best Advantage that may be, and to give and Execute a good and Sufficient Deed or Deeds of conveyance of the same; she giving previous notice of the time & place of Sale as the Law in like cases doth direct; and giving due Caution to the Judge of Probate for the same County, that one third part of the produce of such Sale shall at her decease be distributed among the heirs at Law of the said deceased in proportion to their respective Interests therein; and that what of the remainder that shall remain in her hands upon ballance of her Accounts of Administration (after payment of debts and necessary Charges) be alike distributed among the heirs of the said deceased according to Law; and that she be accountable to said Judge for and touching her proceedings in the premisses.² [*Passed January 8.*

CHAPTER 195.

ORDER IMPOWERING JOHN PAGE AND MARTHA HIS WIFE, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Page of Groton in the County of Middlesex, and Martha Page his Wife, as the said martha is Administratrix of the Estate of her late Husband Isaac Green late of Groton aforesaid deceased Setting forth That the said Isaac at the time of his decease was possess'd of a large Dwelling house and Barn in Groton aforesaid, and about Seventy Acres of Upland and meadow in said Town, the whole of which land and buildings they imagine at this time will sell for about four hundred pounds, that the said deceaseds debts Amounts to Two hundred and Sixty six pounds four shillings and four pence half penny more than the whole of the personal Estate

That the Situation of the Real Estate aforesaid, is such that a part thereof cannot be sold without spoiling the whole, Praying Liberty to make Sale of the whole premisses aforesaid for the most the same will fetch, and that the said martha may have the use and

Legislative
Records of the
Council, xxiii.,
546.

Province
Laws, ii., 151,
chap. 10.

¹ *Sic*, as to parenthesis.

² Not found in the House Journal.

Improvement of the one third part of the proceeds of said Sale during her natural life, and that the remaining two Thirds may be applied for the payment of the deceaseds just debts and benefit of his Children.

[Read and]

Ordered that the Prayer of this Petition be granted, and that the Petitioner John with his Wife Martha in her Capacity as Administratrix as aforesaid be, and they are hereby impowered to make Sale of the lands and Buildings in said Petition mentioned, for the most that may be, and to Execute a good and Sufficent Deed or Deeds of Conveyance thereof; they giving previous Notice thereof in Time and manner as the Law relating to the Sale of Real Estates by Executors or Administrators doth direct, and giving due Caution to the Judge of Probate for middlesex, that one third part of the proceeds of such Sale, shall (at the decease of the said martha) be distributed among the heirs of the said deceased Agreeable to Law: and that so much of the remaining two Thirds as shall not be necessarily expended for discharging the said deceaseds just debts and other incidental Charges shall be distributed among said heirs in like manner as aforesaid; and that they Account with said Judge relative to their proceedings in the premisses.¹ [*Passed January 8.*]

CHAPTER 196.

ORDER ALLOWING 40/ TO ELIOT PAYSON.

A PETITION of Eliot Payson of Rowley Setting forth that in the year 1758, his son David went as a Soldier in the Pay of the Province in Cap^t Poors Company, that he was killed by the Enemy, and so lost his Gun. Praying an allowance for the same.

Read and

Ordered that the sum of forty Shillings be paid out of the Treasury to M^r Lancaster for the Use of the Pet^r in full. [*Passed January 8.*]

CHAPTER 197.

VOTE IMPOWERING JOHN FARNUM, ADM^r, AND PETER CARLTON, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Farnum of Andover, Administrator on the Estate of Daniel Dean late of said Town deceased, and Peter Carlton Administrator to the Estate of Jonathan Poor and Elizabeth his Wife late of said Town deceased setting forth that the Estate of said Daniel lyes in Partnership with the Estate of the said Jonathan and Elizabeth, that Division cannot be made of said Estate among the heirs without great prejudice to them, they therefore Pray that the whole of said Estate may be sold.

[Read and]

Voted that the Prayer of this Petition be so far granted as that the Petitioners be and they hereby are Impowered to make Sale of

Legislative
Records of the
Council, xxiii.,
622. Mass.
Archives,
lxxix., 377.

Mass.
Archives,
lxxix., 377.
House Jour-
nal, p. 139.
Ante, p. 89,
chap. 199.

Legislative
Records of the
Council, xxiii.,
622.

House Jour-
nal, p. 149.
Province
Laws, ii., 151,
chap. 10.

¹ Not found in the House Journal.

the Real Estate within mentioned for the most the same will Fetch and to make and Execute a good Deed or Deeds in the Law for Conveying the same, they observing the direction of the Law relating to the sale of real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probates for the County of Essex that the money arising by such Sale be divided among the heirs in the same manner as the said Estate would have been had it not been sold. [*Passed January 8.*]

CHAPTER 198.

VOTE ALLOWING NATH^L THWING, ESQ^R, WAGES AS COLONEL.

A PETITION of Nathaniel Thwing of Boston Setting forth That he was Lieutenant Colonel of Colonel Thomas's Regiment raised by this Government the year 1759, which Regiment was stationed at Halifax and continued there till the fall, that Col^o Thomas left Halifax the 29th of February last and returned home and from that time to the third of July last the whole care as well as the command of said Regiment devolved upon your Petitioner who faithfully discharged the whole duty of a Colonel as well as Lieutenant Colonel Praying he may be made up as Col^o for the time aforesaid.

Legislative
Records of the
Council, xxiii.,
548. Mass.
Archives,
lxxix., 363.

Mass.
Archives,
lxxix., 361.
House Jour-
nal, pp. 161, 168.

[Read and]

Voted That The prayer of the petition be granted & that the petitioner be allowed wages as Colonel from the 14th may Last To the Time of his Discharge during which Time he served as Colonel of s^d Regiment. [*Passed January 9.*]

CHAPTER 199.

ORDER ALLOWING £1. 15. 9 TO JABEZ WARD.

A PETITION of Jabez Ward Setting forth that his son Jedediah Ward, a Soldier in the Province Service last year in Cap^t Job Williams Company, was grievously wounded at the Fort at Crown Point, when at work there Praying an allowance for his Expences and time,

Legislative
Records of the
Council, xxiii.,
548.

House Jour-
nal, p. 168.

Read and

Ordered, That the sum of One pound fifteen shillings and nine pence be allowed out of the Publick Treasury to the Petitioner in full. [*Passed January 9.*]

CHAPTER 200.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

In the House of Representatives

The House taking into Consideration the Petitions of sick and wounded Soldiers; the following Votes passed, Viz^t

Voted, That the Sum of Four Pounds nineteen Shillings and

Legislative
Records of the
Council, xxlii.,
549. Mass.
Archives,
lxxix., 388.

Mass.
Archives,
lxxix., 57, 58,
249, 250, 268, 276,
297, 301, 302, 317,
318, 319, 346.
House Jour-
nal, pp. 144, 145.

eight Pence be allowed and paid out of the publick Treasury to Colonel Gerrish, for the Use of Joseph Coffin.

To Colonel Gerrish Three Pounds for the Use of Edmund Bartlet.

To Captain Richardson the Sum of forty shillings for the Use of the Petitioner Ruth Farmer.

To Colonel Gerrish the Sum of six Pounds for the Use of Paul Pearson.

To Captain Libbie for the Use of Abraham Tyler twelve Pounds in Consideration of his Sufferings.

To Captain Libbie the Sum of fifty eight Shillings for the Use of James Libbie.

To Colonel Gerrish Three Pounds fourteen Shillings and eight Pence for the Use of John Bricket.

To Mr Lancaster the Sum of forty Shillings for the Use of Jonathan Laten.

To Colonel John Jones, the Sum of forty seven Shillings and four Pence for the Use of Jeremy Littlefield.

To Mr Lancaster the Sum of Three Pounds five Shillings for the Use of Nehemiah Noyes.

To Captain Williams the Sum of Six Pounds eleven Shillings and four Pence for the Use of John Pratt.

To Captain Williams, the Sum of Three Pounds six Shillings and four Pence, (exclusive of the Doctor's Bill,) for the Use of Edward Keith.

To Mr Payne, the Sum of Three Pounds five Shillings and eight Pence, for the Use of Joseph Moore.

To Mr Temple, the Sum of twenty eight Shillings, for the Use of Samuel Hartshorne.

To Enos How, the Sum of seven Pounds fifteen shillings and eleven Pence in full.

In Council Read and Concurred. [*Passed January 9.*]

CHAPTER 201.

ORDER ALLOWING £2.9.6 TO NATH^l WHITMORE.

Legislative
Records of the
Council, xxiii.,
549. Mass.
Archives,
lxxix., 124.

Mass.
Archives,
lxxix., 122.
House Jour-
nal, p. 168.

A PETITION of Nathaniel Whitmore of Grafton Setting forth That he with two of his sons; Voluntarily Inlisted in his majesty's Service in the late Canada Expedition, that his son Samuel was taken sick before he Arrived at Albany, which was attended with considerable cost and Charge for Doctors and nurses, Praying an Allowance for the same,

Read and

Order'd, That there be allowed and paid out of the Treasury to Solomon Prentice for the Use of Nath^l Whitmore Two Pounds nine Shillings and six Pence in full. [*Passed January 9.*]

CHAPTER 202.

ORDER ALLOWING £8. 2 TO JON^A FREEMAN.

A PETITION of Jonathan Freeman of Boston mariner Setting forth, That he delivered to Elizabeth the Wife of Josiah Quincey Esq^r at his Dwelling house in Braintree the 16: day of May 1759 a Province Security signed by the Treasurer for eight pounds two shillings; which he desired the said Elizabeth to keep for him that the said Josiahs Dwelling House was the next day burnt to the Ground, at which time the said note was consumed or lost, Praying an allowance for the same.

Legislative
Records of the
Council, xxiii.,
550. Mass.
Archives,
lxxxvii., 102.

Mass.
Archives,
lxxxvii., 103.
House Jour-
nal, pp. 107, 169.

Read and

Ordered that the sum of Eight pounds two Shillings be allowed and paid out of the publick Treasury to the Pet^r in consideration of his Loss as abovementioned. [*Passed January 9.*]

CHAPTER 203.

ORDER IMPOWERING PETER PHILLIPS AND SUSANNA HIS WIFE, EXECUTRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Peter Phillips and Susanna Phillips his Wife formerly Mary Gleason,¹ Executrix of the Last Will and Testament of her former husband Nathaniel Gleason late of Oxford deceased Setting forth, that the said deceased in and by his last Will & Testament, Ordered among other things that his just debts and funeral Charges should be paid in the first place then he gave unto the said Susanna all moveables whatsoever to be disposed of as she pleased and a Third share of all the Profits and Incomes of his Farm during her natural Life, and the Income of the whole until his Daughter Mary arrived to be eighteen years of Age, that she at the time the Will was Proved apprehending the debts were but few, she gave bonds to the Hon^{ble} Judge of Probates for the County of Worcester to pay the debts, and so returned no Inventory of said decēds personal Estate, That the said deceaseds debts are vastly more than she apprehended at the time of the Probate of Wills, and Amount to so much that the whole personal Estate is insufficient to discharge them that the whole Real Estate will not fetch more than about fifty pounds, said Real Estate consisting of about twenty two Acres of Land, with a small House thereon Praying they may be impowered to make Sale of the said Land to enable her to discharge the remaining debts, and to support her said Daughter.

Legislative
Records of the
Council, xxiii.,
550.

House Jour-
nal, pp. 150, 167.
Province
Laws, ii., 151,
chap. 10.

Read and

Ordered that the Prayer of this Petition be granted and the Petitioners are hereby fully impowered in their said Capacity to make Sale of the Real Estate of the deceased for the most the same will fetch, and to Execute a good Deed or Deeds for conveyance of the same, first duly posting up Notifications of the time and place of Sale, Agreeable to Law, relating to the Sale of Real Estates by Executors and Administrators, and giving caution to the Judge of Probate for the County of Worcester, that the money arising by

¹ *Sic.*

such Sale shall be applied as follows viz^t after the debts are first paid that is due out of said Real Estate, the remainder to be put to Interest for the use of the Widow of the deceased, and to bring up the Minor Mary Gleason, untill she arrives to be eighteen years old and then the Estate to descend to the said Mary the only heir of said Estate, except one third part of the Interest or Income to be to the said deceaseds Widow during her Natural life, and then to be for said heir. [*Passed January 9.*]

CHAPTER 204.

ORDER IMPOWERING ABIGAIL GILL, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
551.

House Jour-
nal, pp. 150, 168.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Abigail Gill, Administratrix on the Estate of her late husband John Gill, late of Westminster in the County of Worcester deceased, and Daniel Hoar and Nicholas Dike Guardians to Eleoner, Elizabeth, Ann and John Gill minors Children of the said John Gill deceased Setting forth That the said deceaseds Real Estate lying in Westminster was appraised at the sum of One hundred and forty two pounds, fifteen shillings, and contains one whole Right in said Township, and no Improvements upon any part of said Right except the House Lott, that the said Real Estate is growing worse and Worse daily, and cannot be rented and Improved to the Advantage of said minors, there being no Dwelling House or Barn thereon, and will not rent for more than Six pounds a year, that the Income now being so small your Petitioner Abigail and the said minors cannot subsist thereon that the Youngest Child being a son and but about two years and an half Old will be a great Charge to bring up, that the Interest of the money if said Lands were sold would be worth more than treble the Rent therefore Praying they may be empowered to make Sale of the same, except the second Division,

Read and

Ordered that the Prayer of this Petition be granted, and the said Abigail is hereby fully empowered in her said Capacity to make Sale of the Real Estate of the deceased, the second Division excepted, as mentioned in the Petition for the most the same will fetch, and to Execute a good Deed or Deeds for conveying the same, first duly Posting up Notifications of the time and place of Sale, Agreeable to Law relating to the Sale of Real Estates, by Executors and Administrators and giving Caution to the Judge of Probate for the County of Worcester, that the money arising by such Sale shall be applied as followeth viz^t to be put out to Interest, and the said Abigail to have One third part of said Interest, during Life, and the other two Thirds be divided, amongst and for the use of said Children according to Law, and at her Death the other Third to be divided in like manner as said Estate would have been disposed of if it had not been sold. [*Passed January 9.*]

CHAPTER 205.

ORDER ALLOWING £3.6 TO RUTH PEABODY.

A PETITION of Ruth Peabody of Boxford Setting forth that her son Thomas Peabody Enlisted as a Soldier under Captain Edmund Moor in the Year 1759. that on his return home he was taken Sick which put the Petitioner to considerable cost & Charge for his Conveyance home, and for Nursing Praying an allowance for the same.

Read and

Order'd, That the Sum of three Pounds six Shillings be allowed out of the publick Treasury to Cap^t Milliken for the Use of the Petitioner in full. [*Passed January 9.*]

Legislative
Records of the
Council, xxiii.,
552. Mass.
Archives,
lxxix., 312.

Mass.
Archives,
lxxix., 313.
House Jour-
nal, p. 168.

CHAPTER 206.

ORDER ALLOWING £2.8 TO JOHN WRIGHT.

A PETITION of John Wright Setting forth, That he was a Soldier in the Regiment under the command of Col^o Fry in the Year 1759, that he was detached with Lieu^t Col^o Hoar and posted at Annapolis Royal, where he remained all Winter & spring till he was by Sickness unfit for duty, and discharged, that on his return home he remained Sick, whereby great Cost and charge arose Praying an allowance for the same,

Read and

Order'd, That the Sum of two Pounds eight Shillings be allowed out of the publick Treasury to Col^o Prescott for the Use of the Petitioner in full. [*Passed January 9.*]

Legislative
Records of the
Council, xxiii.,
552. Mass.
Archives,
lxxix., 290.

Mass.
Archives,
lxxix., 289.
House Jour-
nal, p. 168.

CHAPTER 207.

VOTE DIRECTING COMMISSARY GEN^L TO PAY BOUNTY TO SOLDIERS SERVING IN NOVA SCOTIA AND AT LOUISBOURGH, AND VOTE IN REGARD TO MAKING UP MUSTER ROLLS THEREFOR.

Voted that the Commissary General be directed to Pay to the several soldiers Return^d from the service at Nova Scotia the four Pound Bounty Granted them by this Province Provided they Continued in the service there the winter after the time they Inlisted for was Expired viz.

To all such as shall make oath before the Commissary Generall or before some Justice of the Peace or it be Certified by their Respective Commanding officers that they have Received no part of said Bounty already.

And that the Commissary General be also directed to Pay to Each of said soldiers two dollars who shall make oath as aforesaid that they have paid their own Passage from Louisburg & Nova Scotia to this Province.

Voted also that the several officers and Captains in the service at Louisburg and Nova Scotia in making up their Respective muster Rolls be directed to make up the wages of the soldiers borne on said Rolls for the whole time they Continued in the service allow-

Legislative
Records of the
Council, xxiii.,
553. Mass.
Archives,
lxxix., 391.

Legislative
Records of the
Council, xxiii.,
467. House
Journal, pp. 96,
112. *Ante*,
p. 460, chap.
245.

ing ten days for the Return home of all those that Came from Louisburg and Nova Scotia before the first day of October Last, and all such soldiers as Came away since the said First day of october be allowed Pay till they Got to their Severall homes, after there arrival into this Province. Reckoning fifteen miles for a days Travell from the place of their arrivall also that all Such as Came away upon furlow before the said first day of october be made up in the same manner as the soldiers Last mentioned. [*Passed January 9.*]

CHAPTER 208.

VOTE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

In the House of Representatives;

Voted that no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present Year, shall be esteemed duly qualified to enter on the Execution of that Office untill he shall first have an Oath Administer'd to him for his faithfull performance of his said Office; and shall give bond with sufficient sureties to the acceptance of a Committee appointed by this Court for that purpose in the sum of Thirty Thousand pounds lawful money to the three Eldest Councillors in the Province for the time being, who are hereby appointed a Committee in behalf of the Province and especially Authorized for this purpose which bond shall be conditioned for such Treasurers truly and faithfully discharging the duty of his Office according to Law and for his rendering an Account, when and so often as he shall be required by the General Court; and of all such sums of money as he shall from time to time receive into the Treasury and for his well and truly paying to his Successor in said Office, or to any other Person who may be appointed by the General Court to receive the same, All such sum or sums of money as upon such Settlement of his said Accounts or otherwise, shall be found due and payable from him to the Province; Provided that the said bond be put in Suit within two Years next after the date thereof otherwise to be void and of no Effect, and that Royal Tyler and Thomas Flucker Esq^{rs} with such as the honourable Board shall join be a Committee to judge of the Sufficiency of such as may offer to become sureties for the Treasurer as aforesaid.

In Council Read and Concurred and Thomas Hancock Esquire is joined in the Affair. [*Passed January 9.*]

CHAPTER 209.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE FOR SICK SOLDIERS FROM LOUISBOURGH.

Voted that the Commissary Gen^l be directed to make provision for the Soldiers which are arriv'd or shall arrive from Louisburg and are sick at the Barracks at Castle William or other wise according to his Discretion as soon as may be. [*Passed January 9.*]

Legislative
Records of the
Council, xxiii.,
555.

Legislative
Records of the
Council, xxiii.,
556. House
Journal,
pp. 170, 171.
Ante, p. 563.

Legislative
Records of the
Council, xxiii.,
558. Mass.
Archives,
lxxix., 390.

Legislative
Records of the
Council, xxiii.,
555. House
Journal, p. 172.

CHAPTER 210.

VOTE IMPOWERING DAN^L CLARK TO COLLECT EXCISE IN THE COUNTY OF YORK.

WHEREAS M^r Daniel Clark was chosen by this Court to Collect the Excise in the County of York for one Year, ending the 26th of march next; but by Reason of a late Act of this Government, dividing of the said County into three, some doubts have arisen whether the Power of said Collector now extends to finishing his Collection in the said two New Counties; Therefore,

Voted, That the said Daniel Clark be, and he hereby is fully impowered and Authorized to proceed to finish his said Collection, the Act for the Division of the County notwithstanding. [*Passed January 10.*]

Legislative Records of the Council, xxiii., 538.

House Journal, p. 173.
Province Laws, iv., 424, chap. 25; 355, note. *Ante*, p. 500, chap. 350.

CHAPTER 211.

ORDER IMPOWERING SARAH LAWRENCE, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Lawrence Indian Planter of Groton Setting forth That she is now advanced in years, and in debt for the necessities of Life and that her Dwelling house is so gone to decay that she cannot keep herself dry or warm therein and Praying that she may be enabled to sell a part of her Farm to the amount of Thirty pounds in order to pay her just debts and repair her House.

Read together with the Report of the Trustees of the Grafton Indians, And

Ordered That the Petitioner be and She hereby is impowered with the Consent of the said Trustees to make Sale of & execute a good & lawful deed or deeds for Ten Acres of Land adjoining Northerly on M^r John Shermans Land Easterly on the late Mary Tom's Land, Southerly on the Petitioners own Land, Westerly chiefly on the Highway also a Lot of Meadow in Wet Meadow so called with about twenty acres of broken Land adjoining thereto bounded Southerly on M^r Prentices Land; Northerly on the Petitioners own Land. The produce of said Land to be employed for the payment of the petitioners just debts, and for repairing her Dwelling House: And the Overplus if any there be, to rest in the hands of the Trustees for the use of the Petitioner, to be by them disbursed for her comfortable Support as they shall judge proper. [*Passed January 13.*¹]

Legislative Records of the Council, xxiii., 271. Mass. Archives, xxxiii., 158.

Mass. Archives, xxxiii., 157.
Legislative Records of the Council, xxiii., 525. House Journal, pp. 206, 293 (March, 1760); p. 180. *Ante*, p. 241, chap. 76, note.

CHAPTER 212.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF INHABITANTS OF THE TOWN OF WELLS, AND REFERRING THE SAME WITH STAY OF ALL PROCEEDINGS.

THE COMMITTEE on the Petition of sundry of the Inhabitants and Freeholders of the Town of Wells in the County of York, beg leave to report, That an Order pass this Hon^{ble} Court that the further

Legislative Records of the Council, xxiii., 559.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 6.

Legislative
Records of the
Council, xxlii.,
514, 547.
House Jour-
nal, pp. 91, 181.
Ante, p. 616,
chap. 110.

consideration of the Petition be refer'd to the next Session of this Court: and that all further proceedings relative to the report of Ref-
errees mentioned in said Petition be stayed in the mean time all
which is humbly Submitted.

(Signed)

SAMUEL WATTS p order

Read and Accepted, and

Ordered That the said Petition be referred to the first Tuesday
of the next Sitting of the Court, and that all further proceedings
relative to the report of the Referrees mentioned in said Petition
be stayed in the mean time. [*Passed January 13.*¹]

CHAPTER 213.

ORDER ALLOWING £5 TO JABEZ HAMBLEM.

Legislative
Records of the
Council, xxlii.,
560. Mass.
Archives,
lxxix., 253.
House Jour-
nal, p. 174.

A PETITION of Jabez Hamblem Setting forth that his son James
was a Soldier in the Province Service the last year in Col^o Thomas's
Regiment at nova Scotia, that he returned home sick and has remained
so ever since, which has put him to great Expence Praying an allow-
ance therefor.

Read and

Ordered that the Sum of five pounds be allowed and paid out of
the publick Treasury to Col^o Otis for the Use of the Pet' in full.
[*Passed January 13.*]

CHAPTER 214.

ORDER MAKING PROVISION IN REGARD TO THE PROCEEDS OF THE SALE OF THE ESTATE OF JOHN NICHOLS.

Legislative
Records of the
Council, xxlii.,
561.

House Jour-
nal, pp. 174, 175.
Ante, p. 531,
chap. 419.

A PETITION of Josiah Stone, Administrator on the Estate of
John Nicholls late of Upton deceased and mary nichols Widow
and Guardian to the Children of the deceased Setting forth That
in April last she preferred a Petition to this Hon^{ble} Court Pray-
ing she might be impowered to make Sale of said deceaseds Real
Estate lying partly in Upton and partly in Framingham, that an
Order passed impowering the Petitioners to make Sale of said Real
Estate, and that the proceeds arising by said Sale should be put out
at Interest, for the benefit of the minors, and so Excluded the Peti-
tioner Mary Nichols from any Interest in said Real Estate; There-
fore Praying that a New Order may pass, and the said Mary have
the Interest of one third thereof during Life

Whereas the Petitioners were by this Court Impowered on the
19th of April last to make Sale of the Real Estate of the within
named John Nicholls deceased Therefore

Ordered that the money arising by said Sale be put out on Inter-
est, that the said Mary have the Interest of one third thereof during
her natural life, and the other two Thirds be for the use of the minor
Children, and at the Death of the said Mary the said Third also
belong to them, and that Caution be given to the Judge of Probates
for the County of Worcester accordingly. [*Passed January 13.*]

¹ This date is according to the House Journal; according to Legislative Records of the
Council the date is January 10.

CHAPTER 215.

RESOLVE IN REGARD TO TAXES OF MEDFIELD AND DEDHAM.

A PETITION of the Inhabitants of the Town of Medfield Setting forth That the said Town by mistake have been over Taxed in every Year from 1752, to 1759. inclusive, that by meer mistake in the Committee that made the Valuation for the said Year 1752, the proportion of Dedham was taken for that of Medfield and that of Medfield for Dedham, that the Court of Sessions are now very Sensible of, and have corrected it in their Valuation for the year 1760, but doubts are started touching their correcting the former years Praying the Court of General Sessions of the Peace may be enabled in the next County Tax to assess such sums on the said Town of Dedham to be paid to the Town of Medfield, as it shall appear they have Overpaid and Dedham paid short in the Years,

Read and

Resolved that the Prayer of this Petition be granted, and that the Court of General Sessions of the Peace for the said County of Suffolk be and hereby are impowered and directed in their next County rate to Assess the Town of Dedham so much as it shall appear to them that the same hath been undertaxed in the several years within mentioned, and to cause the sums that it shall appear to them that the said Town of Medfield hath paid in the same years above its just proportion to be refunded to them out of the Tax to be laid on the said Town of Dedham. [*Passed January 13.*]

Legislative
Records of the
Council, xxiii.,
561.

House Jour-
nal, pp. 173, 175.
Province
Laws, iv., 544,
note.

CHAPTER 216.

ORDER ALLOWING £10 TO JN^o WALKLATE.

A PETITION of John Walklate of Gloucester Setting forth That in the Year 1756, he was a Soldier in the Province Service at Lake George, went out on a Scout under Captain Hodges with about fifty men, who were Attacked by four or five hundred French & Indians, he was taken Captive and detained till montreal was taken Praying an allowance for his loss of time and Sufferings.

Read and

Ordered that the Sum of ten pounds be allowed and paid out of the publick Treasury to the Pet^r in full for his Sufferings mentioned. [*Passed January 13.*]

Legislative
Records of the
Council, xxiii.,
562. Mass.
Archives,
lxxix., 369.

Mass.
Archives,
lxxix., 369.
House Jour-
nal, p. 174.

CHAPTER 217.

VOTE IMPOWERING JAMES BOYD AND ANDREW SMITH, GUARDIANS, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Boyd and Andrew Smith both of Holden in the County of Worcester, Guardians to Isaac and Thomas Thompson minors sons of Samuel Thompson late of said Holden deceased Set-

Legislative
Records of the
Council, xxiii.,
562.

House Journal, p. 175.
Province
Laws, ii., 151,
chap. 10.

ting forth that the said Samuel Thompson in and by his last Will and Testament bequeathed unto the said Isaac and Thomas Eighty two Acres of land lying in said Holden the same to be Equally divided between them by his Executors and that each of them should come into Possession of their part as soon as they arrive at Eighteen Years of Age, that the said Isaac is almost twenty one, and the said Thomas about Nineteen Years of Age, that the said Tract of land if divided will not make a Settlement for both, and the said Isaac being about to remove out of the Province, and the said Thomas desirous that his Interest in said land may be sold Praying they may be impowered to make Sale of the said minors land, and that the money arising by the sale of the said Thomas's part, may be appropriated for purchasing another Real Estate for the said Thomas that will be suitable for a Settlement for him.

[Read and]

Voted that the Prayer of this Petition be so far granted as that the Petitioners in their Capacity be and they hereby are Impowered to make Sale of the Eighty two Acres of land within mentioned for the most the same will fetch they observing the direction of the Law relating to the Sale of Real Estates by Executors and Administrators and giving Sufficient Caution to the Judge of Probates for the County of Worcester that the money arising by said Sale be divided Equally, between the within minors, and that, that part belonging to the said Thomas be appropriated by his Guardian for purchasing him other Lands suitable for a Settlement for him.
[*Passed January 13.*]

CHAPTER 218.

ORDER ALLOWING £10 TO BENJA^A GOODENOW.

Legislative
Records of the
Council, xxiii.,
563. Mass.
Archives,
lxxix., 311.

House Journal, pp. 165, 174.

A PETITION of Benjamin Goodenow Setting forth That he was a Soldier at Fort William Henry in the year 1757, when it was taken by the French and Indians, that he was carried Prisoner to Moreall,¹ and continued among the Indians till last August when he made his escape Praying an allowance for his Loss of time and Sufferings.

Read and

Ordered that the Sum of ten pounds be allowed and paid out of the publick Treasury to the Pet^r in full for his Sufferings mentioned.
[*Passed January 13.*]

CHAPTER 219.

ORDER IMPOWERING CORNELIUS PUTNAM, GUARDIAN, TO SELL LAND, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
564.

House Journal, pp. 169, 181,
182. *Ante*,
p. 552, chap.
472.

A PETITION of Cornelius Putnam of Sutton in the County of Worcester Guardian to Edward Putnam a Person Non compos Setting forth That in April last he Petitioned this honourable Court and Obtained an Order to make Sale of said Non compos's Real Estate. but some doubt hath arisen inasmuch as the Petitioner at that time was only Guardian to him appointed during his minor-

¹ *Sic*, it seems, for Montreal.

ity Praying a New Order may pass to Enable him to make Sale of the Estate of the said Edward, for his Support.

Read and

Ordered that the Petitioner Cornelius Putnam in his Capacity within mentioned be impowered to make Sale of the Land within mentioned for the most the same will fetch, and to make and Execute a good Deed or Deeds for the Conveyance of the same he observing the directions of the Law respecting the Sale of Real Estates, and giving Sufficient caution to the Judge of Probate for the County of Worcester, that the money arising by said Sale shall be duly applied to the use of the said Edward. [*Passed January 14.*]

CHAPTER 220.

VOTE ON THE PETITION OF JON^A WHITE IN REGARD TO DUTIES OF EXCISE.

A PETITION of Jonathan White of Springfield Setting forth that he has for several years past Employed himself in Distilling Cider into Spirits, for himself and neighbours, and thereby as he has been informed, subjected himself to the Penalty of the Law for selling spirits Distilled without License. Praying he may not be subjected to any Penalty for selling the spirits extracted from Cider, his not having License notwithstanding.

[Read and]

Voted that the Prayer of this Petition be so far granted as That upon the Petitioners paying the Duties of Excise upon the Spirits by him distilled mentioned in s^d Petition, to the Collector of the Duties of Excise in the County of Hampshire the said Collector Be directed not to Prosecute the Petitioner for any Violation of the Law. [*Passed January 14.*]

Legislative
Records of the
Council, xxiii.,
565. Mass.
Archives, cx.,
372.

Mass.
Archives, cx.,
362, 371. House
Journal,
pp. 178, 182.
Province
Laws, iv., 355,
note.

CHAPTER 221.

VOTE ACCEPTING REPORT OF COMMITTEE IN REGARD TO MONEY DUE PROVINCE, IN THE HANDS OF THE COURT OF VICE ADMIRALTY.

A PETITION of Sundry Inhabitants of this Province Setting forth that there are large sums of money due to said Province, by Decree of the Court of Vice Admiralty, as the Thirds of Forfeitures upon Seizures, as appeared by the Schedules, and Evidences presented with the Petition; and that they are able to furnish this Court with Proofs of many Instances of misapplication of the Provinces part of the Seizures They therefore pray that a strict Enquiry may be made relating to the Premises, and that they, with their Council may be heard, on the floor for that purpose.

[A joint committee having been appointed to consider the petition]

The Committee find that the wrong done to the Province in the six Cases above refer'd to, arises by large and exorbitant sums of money said to be given to private Informers, for condemnation dues &c^a allowed in the Bills of Costs, out of the Province Third

Legislative
Records of the
Council, xxiii.,
497, 565. Mass.
Archives, cx.,
44.

Mass.
Archives, cx.,
43. Legisla-
tive Records of
the Council,
xxiii., 560.
House Jour-
nal, pp. 107, 122,
177, 180, 181.

of said Seizures, contrary as the Com^{tee} apprehend to the several Acts of Parliament relative thereto; and by allowing in the same Bills, large and excessive sums, said to be paid to attorneys, and for other uses, contrary to the Law of this Province, made in the Second Year of George the First, for settling and stating Fees in the Court of Admiralty, as will appear by the Schedule above, by which means the Province are illegally as well as unjustly kept out of said sum of Four hundred and Seventy five pounds nine shillings and eleven pence, lawful money; not to mention divers other Charges in said Cases, that appear very exorbitant,

The Committee are therefore of Opinion, that the Province Treasurer be impowered and directed to demand the sum of Four hundred and Seventy five pounds, nine shillings and eleven pence, of those persons from whom it shall appear to be due; And upon their refusing or neglecting Payment for the space of one month, that he should bring an Action or Actions at Common Law against such Persons, for recovering said sum for the use of the Province

(signed) SAMUEL WATTS per Order.

Read and Accepted. [*Passed January 14.*]

CHAPTER 222.

VOTE IMPOWERING NATHAN DAGGETT, ADM^r, TO SELL ONE HALF OF A DISTILL HOUSE, &c, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
566.

House Jour-
nal, pp. 150, 183,
184. Province
Laws, ii., 151,
chap. 10.

A PETITION of Nathan Daggett of Rehoboth Guardian to Abel Carpenter a minor, only Child of Abel Carpenter late of said Rehoboth deceased, now Administrator to the Estate of the said deceased, Setting forth that the said deceased in his last Will and Testament did give to his Wife Abigail who was Sole Executrix to said Will, and impowering her to make sale of one half of a Distilhouse to enable her to pay off the debts. That the Petitioner married the said Abigail, who is also since deceased, that the said Estate was never disposed of by the said Abigail in her life time, tho: she was fully impowered to sell the same Praying Liberty to make Sale of one half of the said Distil House, to be applied agreeable to the Testators Will,

[Read and]

Voted that the Prayer of this Petition be Granted and that the Petitioner in his said Capacity be and hereby is Impowered to make Sale of one half of the Distil and Distil House with the Appurtenances in the said Petition mentioned for the most the same will fetch and Execute a good Deed or Deeds in Law of the same, observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and Also giving sufficient caution to the Judge of Probates for the County of Bristol, that the money arising by the Sale thereof shall be faithfully and truly applied to the ends and purposes mentioned in the last Will and Testament of Abell Carpenter of Rehoboth in the County of Bristol deceased. [*Passed January 15.*]

CHAPTER 223.

ORDER IMPOWERING ABIGAIL BRIDGHAM, ADM^x, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abigail Bridgham Widow, Executrix of the last Will and Testament of Joseph Bridgham late of Plymton in the County of Plymouth Esq^r deceased Setting forth That the said deceaseds whole Estate Real and personal being insufficient to pay the demands on said Estate, therefore he hath represented the same Insolvent, and Commissioners have accordingly been appointed to Examine the Claims, and the time for said Commissioners to make report is very nigh at hand, he is therefore in daily expectation of being called upon by said Creditors (for their proportion of said Estate) and he apprehends that if the sale of said Estate (and the making up her Account in said Capacity) be delayed untill after the last Tuesday of April next which is the time for the holding the Superior Court for this County, he shall be burthened with the Charges and trouble of many Law Suits Praying she may be empowered to make Sale of the Real Estate of the said deceased.

[Read and]

Ordered That the Prayer of this Petition, be so far granted, as that the Petitioner in her said Capacity of Administratrix be, and hereby is Authorized and empowered to make Sale of all the Real Estate within mentioned for the most the same will fetch, and to make and Execute a good and Sufficient Deed or Deeds of conveyance thereof she observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving Sufficient caution to the Judge of Probates for the County of Plymouth, that the Produce arising by such Sale shall be applied for the purpose mentioned: And that the overplus (if any there be) she be accountable for agreeable to Law. [*Passed January 15.*]

Legislative
Records of the
Council, xxiii.,
567.

House Jour-
nal, pp. 181, 184.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 224.

VOTE ALLOWING £2.6 TO JONAS BROWN.

A PETITION of Jonas Brown of Sutton Setting forth that in the year 1757, he marched from Sutton as far as Sheffield for the Relief of Fort William Henry under the Command of Captain Solomon Holman in Col^o Chandlers Regiment, that the said Solomon Holman in making up his muster Roll omitted your Petitioner Praying he may be allowed the same wages as others.

[Read and]

Voted That y^e Sum of two pounds and Six Shillings be paid out of the Publick Treasury to m^r Timothy Paine for the Petitioners use in full for his Services set forth in y^e Petition. [*Passed January 15.*]

Legislative
Records of the
Council, xxiii.,
568. Mass.
Archives,
lxxix., 267.

House Jour-
nal, pp. 149, 183.

CHAPTER 225.

ORDER ALLOWING £3 TO JN^O HINCKLEY, JR.

Legislative
Records of the
Council, xxiii.,
568. Mass.
Archives,
lxxix., 266.

Mass.
Archives,
lxxix., 265.
House Jour-
nal, pp. 87, 188.
Ante, p. 247,
chap. 89.

A PETITION of John Hinckley jun^r of Barnstable Setting forth, that there was stoped out of the wages of a Servant belonging to him three pounds, when in fact he had returned the Gun for which said wages was stoped Praying an allowance for the same

Read and

Ordered that the sum of three pounds be allowed and paid out of the publick Treasury to Col^o Otis for the Use of the Pet^r in consideration for the Gun returned with the King's Stores. [*Passed January 15.*]

CHAPTER 226.

ORDER WITH STAY OF EXECUTION IMPOWERING THE JUSTICES OF THE INFERIOR COURT OF COMMON PLEAS TO RECONSIDER A JUDGMENT.

Legislative
Records of the
Council, xxiii.,
521, 564.

House Jour-
nal, pp. 132, 133,
150, 188.

A PETITION of Richard Woodward, setting forth that he had an Action commenced against him, by one Thomas Johnson, which by a Rule of Court was left to Referrees; that through a mistake of the meaning of their Report, Execution is Issued out for more Costs than were intended by them, whereby he must suffer greatly Praying that this Court would order Execution to be stayed untill the Court in January next, and grant him such Relief, as they think proper.

Read together with the Answer of Thomas Johnson the Adverse Party and

Ordered, that the Justices of the Inferior Court of common Pleas be impowered to reconsider their Judgment upon the Award mentioned, and make up Judgment anew, as shall appear to them to be agreeable to the true Intent and meaning of the Referrees, and award Execution accordingly; and that Execution on the said Award be stayed in the mean time. [*Passed January 16.*¹]

CHAPTER 227.

ORDER IMPOWERING HEZEKIAH HALL, CONSTABLE, TO COLLECT TAXES ASSESSED ON QUAKERS IN UXBRIDGE.

Legislative
Records of the
Council, xxiii.,
569. Mass.
Archives, xiv.,
196.

Mass.
Archives, xiv.,
195. Legisla-
tive Records
of the Council,
xxiii., 247.
House Jour-
nal, pp. 106, 189.
Province

THE COM^{TEE} on the Petition of Hezekiah Hall find that upon the Petition of Samuel Aldrich and others called Quakers this Honourable Court passed an Order that the above mention'd Petitioner should not proceed to collect any monies laid on the Quakers for the procuring men to go in his majesty's Service which Petition has since been dismissed.

The Committee are therefore humbly of Opinion that an Order now pass directing and Impowering the said Hezekiah to compleat his collections on the Quakers, any former Order of this Court to the contrary Notwithstanding, and upon his paying in the monies to the

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is January 13.

Province Treasury he be allowed the sum of thirty five shillings mentioned in the Petition.

All which is humbly submitted

SAMUEL WATTS *per* order

Read and Accepted: and

Ordered That the Petitioner Hezekiah Hall, a Constable of the Town of Uxbridge in the Year 1759 be and he hereby is directed and impowered to compleat the collection of the Sums assessed on the Quakers in said Town any former order of this Court to the contrary notwithstanding, and that upon his paying in the money to the Province Treasurer, he be allowed the Sum of thirty five Shillings charges he has been at in the Affair. [*Passed January 16.*]

Laws, iv., 338,
note. *Ante*,
p. 488, chap.
321.

CHAPTER 228.

VOTE DIRECTING THE PROVINCE TREASURER IN REGARD TO PROVINCE TAXES IN RUTLAND AND THE DISTRICT OF PRINCE TOWN.

A PETITION of Zachariah Harvey in behalf of the Inhabitants of Prince Town Setting forth that the Inhabitants of said Town are all beginners, scarcely able to support their Families, that they have been at great Expence in Settling a minister building a meeting house and making Roades, and are not able as yet to pay Taxes Praying they may be excused from Paying Rates to Rutland, and to the Province as usual.

[Read and]

Voted that the Prayer of this Petition be granted; and that the Treasurer of this Province, be, and hereby is, directed to remit to the Town of Rutland the sum of thirty one pounds, one shilling and seven pence being the sum Assessed by the Assessors of the Town of Rutland, Agreeable to a Vote of this Court in June last on the Polls and Estates of that part of the District of Prince Town formerly the East Wing of Rutland, as their Proportion to the Province Tax laid on the Town of Rutland in the year 1760, And that the constables or collectors of Rutland for that year be, and hereby are directed and required not to Collect the same of the Inhabitants or Proprietors of Prince Town, and that the aforesaid sum of thirty one pounds one shilling and seven pence be added to the Province Tax that shall be laid on the Town of Rutland for the year 1761. [*Passed January 16.*]

Legislative
Records of the
Council, xxiii.,
570.

House Jour-
nal, pp. 188, 189.
Province
Laws, iv., 343,
note. *Ante*,
p. 584, chap. 44;
p. 636, chap.
153.

CHAPTER 229.

VOTE IMPOWERING SARAH WARRINER, ADM^X, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Warriner Widow and Administratrix on the Estate of Reuben Warriner late of Springfield deceased Setting forth That the said Reuben died leaving only one child, That his Real Estate according to appraizment is of the Value only of Fifty three pounds six shillings and eight pence, That the whole personal Estate of the said Reuben, Amounts to forty five pounds, four pence three farthings, and that the debts due from said Estate Amount to

Legislative
Records of the
Council, xxiii.,
571.

House Jour-
nal, pp. 177, 189,
190. Province
Laws, ii., 151,
chap. 10.

Thirty six pounds three shillings and two pence two farthings, that there remains only eight pounds seventeen shillings and two pence two farthings of the personal Estate out of which to make the necessary allowance to the Widow, and to pay the Cost and Charge of Administration, and to support the said Child, That the sum aforesaid is quite insufficient for these purposes as the Rents of the said Real Estate are but a Trifle, as the said Real Estate is but small, she conceives it will be much more for the Interest of said Child to have the whole sold. Praying Liberty to sell the same,

[Read and]

Voted that the Prayer of the foregoing Petition be granted, and that the said Petitioner in her said Capacity of Administratrix be, and hereby is empowered to make Sale of the Real Estate therein mentioned at Publick Vendue, she therein conforming to the Laws of this Province directing the manner of proceeding in the Sale of Real Estates by Executors and Administrators, and Also first giving bond to the Judge of Probate &c^a for the county of Hampshire to improve the proceeds of said Sale, for the best Advantage of the heir, and to render her Accounts of the same whenever she shall be reasonably required, allowing however to the said Petitioner the use of One third of said proceeds during her Life for her own benefit in consideration, and in Lieu of her right of Dower in the lands aforesaid. [*Passed January 16.*]

CHAPTER 230.

ORDER ALLOWING £10 TO ISABELLA WHALAND.

Legislative
Records of the
Council, xxiii.,
572. Mass.
Archives,
lxvi., 113.

Mass.
Archives,
lxvi., 112.
House Jour-
nal, pp. 183, 190.

A PETITION of Isabella Whaland, Wife and Attorney of Michael Whaland of Boston Mariner Setting forth, That her said Husband Michael Whaland was on board [the Province Sloop “Prince of Wales”] Cap^t Dowse when he was taken by a French Frigate and carried into Louisbourg and from thence to Old France, where he was confined in Prison for a long time, and underwent great Hardships and fateagues Praying an allowance for his loss of time and sufferings

Read and

Ordered that the sum of ten pounds be paid out of the publick Treasury to the Pet^r in full for the Sufferings and Captivity of her Husband abovenamed. [*Passed January 16.*]

CHAPTER 231.

VOTE GRANTING TO AARON GRAVES LICENCE TO KEEP AN INN.

Legislative
Records of the
Council, xxiii.,
573. Mass.
Archives, cxi.,
478.

House Jour-
nal, p. 190.

A PETITION of Aaron Graves of Palmer Setting forth That his Father Daniel Graves of said Palmer deceased at the Court of General Sessions of the Peace holden at Springfield in said County on the last Tuesday of April last, Obtained a License from the Justices of the said Court to keep a Tavern in his then Dwelling house, That he is since deceased, leaving a suitable stock for such a house Praying the Court of Sessions may be empowered to grant the Petitioner a License to keep Tavern in said House.

[Read and]

Voted That the Prayer of this Petition be granted & That the Justices of y^e Court of General Sessions of y^e peace for the County of Hampshire be and they hereby are impowrd at their next Sessions to grant to y^e Petitioner a License to Keep a Tavern in the House mention^d in his Petition he procuring the approbation of y^e Select Men of s^d Palmer. [*Passed January 16.*]

CHAPTER 232.

ORDER ALLOWING £3 TO GEORGE THAIR.

A PETITION of Solomon Wood in behalf of George Thair Setting forth that the said George went a Soldier in the Year 1758, in the Canada Expedition, and althô he returned his Gun at Albany yet there is a Stoppage from his wages of three pounds for said Gun Praying an allowance for the same,

Read and

Ordered that the Sum of three pounds be allowed to be paid out of the publick Treasury to Cap^t Wood for the Use of the Pet^r in full. [*Passed January 17.*]

Legislative
Records of the
Council, xxiii.,
574. Mass.
Archives,
lxxix., 419.

House Jour-
nal, pp. 192, 193.
Ante, p. 247,
chap. 89.

CHAPTER 233.

ORDER ALLOWING £10 TO JOHN ERWIN.

A PETITION of John Erwin of Dunstable Setting forth that in the year 1756, he inlisted into his majesty's Service in the Pay of this Province, in an Expedition against Canada that he proceeded to Fort William Henry, that on the seventeenth day of September 1756, he went out on a Scout under Cap^t Hodges that on the eighteenth of September aforesaid they were way laid by a Party of Indians, who captivated him with a number of others, that he was carried to an Indian Town where he was kept till the Surrender of montreal Praying an Allowance for his loss of time and Sufferings.

Read and

Ordered that the Prayer of the Petition be so far Granted as that there be allowed & paid out of the Publick Treasury the Sum of Ten pounds to the Petitioner in full for his Sufferings mentioned in the Petition. [*Passed January 17.*]

Legislative
Records of the
Council, xxiii.,
574. Mass.
Archives,
lxxix., 412.

Mass.
Archives,
lxxix., 410.
House Jour-
nal, pp. 187, 190.

CHAPTER 234.

VOTE THAT THE ESTABLISHMENT FOR PROVINCE SHIP KING GEORGE IS SUFFICIENT, AND VOTE FOR AN ESTABLISHMENT FOR FORTS, GARRISONS, &c.

Voted

1, That the Number of men His Excellency has continued on the Ship King George are sufficient for the purpose.

2. That there be a new Establishment for the Garrison at Fort

Legislative
Records of the
Council, xxiii.,
575. Mass.
Archives,
lxxix., 417.

Legislative
Records of the
Council, xxiii.,
494. House
Journal, p. 191.

Pownall at Penobscott for, One Lieutenant, One Chaplain, One Sergeant, One Corporal, One Armourer, One Drummer and Twenty privates: And for One Captain, One Chaplain, Two Sergeants, two Corporals, One Armourer, One Drummer, and twenty five privates at Fort Halifax and the Store house at Cusnoc.

And that His Excellency be desired to give Orders for the Discharge of all others in those Forts; and also for the Dismantling of the Forts at Pemaquid and S^t George, and Discharge the Garrisons there, and that the pay of the Officers and Soldiers be untill the tenth day of June next as follows, viz^t

For a Captain four pounds	per month.
For a Lieutenant three pounds	Ditto.
For a Chaplain four pounds	Ditto.
For a Sergeant One pound ten shillings	Ditto.
For a Corporal One pound eight shillings	Ditto.
For a Drummer One pound eight shillings	Ditto.
For an Armourer Two pounds	Ditto.
For each private One pound four shillings	Ditto.

3. That as provision is already made for paying the Soldiers their Billeting home, by Vote of the second instant, His Excellency be desired to make Application to General Amherst for the four pences, allow'd by His Majesty to the said Soldiers, out of which what is due to the King's Hospital may be deducted.

Also

Voted, That the thanks of this Court be given to His Excellency for the Care he has taken to Assist and Releve the Soldiers in their Return from the Westward, and Likewise for His Endeavours in procuring the Dismission of the provincial Troops at Louisbourg and Nova Scotia.

And as to the money expended by M^r Foye on the Sick Soldiers,

Voted, That it be Considered hereafter. [*Passed January 17.*]

CHAPTER 235.

ORDER GRANTING JOHN STEVENS PROTECTION FROM ARRESTS AND EXECUTIONS.

Legislative
Records of the
Council, xxiii.,
576.

Legislative
Records of the
Council, xxiii.,
509, 534, 563.
House Jour-
nal, p. 138.

A PETITION of John Stevens of Boston merchant setting forth, That on the Petition of Joseph Green now before this Court, a hearing is appointed before the Committee this Afternoon, on which it is necessary the memorialist should be present, he being the Adverse Party, Praying his Person may be protected from all Arrests or Executions.

Read and

Ordered That the Prayer of the Petition be granted and that the Petitioner be and he hereby is allowed protection from all Arrests and Executions during his attendance on the Committee, and while going to or returning from his Attendance on them, and the Sheriff of the County of Suffolk Deputy Sheriffs, coroners and constables and all other Officers whom it may concern are hereby required to conform accordingly.¹ [*Passed January 17.*]

¹ Not found in the House Journal.

CHAPTER 236.

ORDER ALLOWING ONE PER CENT ADDITIONAL TO JOHN CUSHING, JR,
COLLECTOR OF EXCISE FOR THE COUNTY OF PLYMOUTH.

A PETITION of John Cushing jun^r Setting fourth that he is appointed collector of Excise for the County of Plymouth and has been at great expence in collecting the same, as at the end of the first six months he went into all the Towns thro^t the County for that purpose, that his charge for the last six months will not fall short of the first, so that after his Charges are deducted little will remain for his trouble, Praying an additional allowance of one $\frac{1}{2}$ Cent may be allowed for the year 1759. and also for the present year.

Read and

Ordered that the Pet^r be allowed one per Cent over and above the two per Cent already allowed by Law from March 26 1759 to March 26th 1760 also the Same for the currant Year. [*Passed January 17.*]

Legislative
Records of the
Council, xxiii.,
577. Mass.
Archives, cxx.,
370.

Mass.
Archives, cxx.,
369. House
Journal, p. 193.
Province
Laws, iv., 354,
note. *Ante*,
p. 500, chap.
350.

CHAPTER 237.

ORDER ACCEPTING REPORT OF COMMITTEE ON DUNSTABLE PETITION
AND IMPOWERING THE APPOINTMENT OF A SURVEYOR TO RUN
THE BOUNDARY LINES THEREOF.

A PETITION of Ebenezer Sherwin and others, a Committee of Dunstable Praying that they with their Associates, may be erected into a Sperate and distinct Precinct, by bounds in said Petition mentioned,

Legislative
Records of the
Council, xxiii.,
502, 593.

House Jour-
nal, pp. 130, 160,
193.

The Committee to whom was referred the Petition of Ebenezer Sherwin and Abraham Randall a Committee of the second Precinct in Dunstable, having heard the Parties, and considered thereon are of Opinion, that to prevent all controversies the bounds of said Precinct ought to be as follows viz^t Easterly on a north and South line by the meridian running from the Province line by the West end of Simon Thompsons house to Col^o John Tyngs land, and bounded Southerly by said Tyngs land, Westerly on Groton line, and northerly on the Province line, Saving that the lands within said bounds belonging to Eleazer Tyng, and said John Tyng shall continue to remain to the first Parish in Dunstable, and saving Also that the lands belonging to the Inhabitants of said first Parish lying Adjoyning on the West side of said north and south line shall remain to said first Parish and that the lands Adjoyning on the East side of said line which belong to the Inhabitants of said second Parish shall be and remain to the said second Parish, and that a Surveyor be appointed by this Court to run said line and erect bounds and monuments, thereon and make report thereof.

And further that the Assessments already made in said second Precinct, Agreeable to their former bounds be accounted Valid and legal, and that the charge of running the line within mentioned, and Erecting bounds, between said Parishes be borne Equally, between said first and second Parish.

All which is humbly Submitted

by JOHN CUSHING $\frac{1}{2}$ order

Read and Accepted, and

Ordered that Benjamin Lincoln Esq^r be and he hereby is impowered to provide a Surveyor to run the lines, and erect the bounds and monuments mentioned in said Report, and to see the same effected, and make Report. [*Passed January 17.*¹

CHAPTER 238.

VOTE ALLOWING ONE PER CENT ADDITIONAL TO JOHN REMINGTON COLLECTOR OF EXCISE FOR THE COUNTY OF MIDDLESEX.

Legislative
Records of the
Council, xxiii.,
577. Mass.
Archives, cxx.,
374.

Mass.
Archives, cxx.,
373. House
Journal,
pp. 161, 162, 193.
Province
Laws, iv., 355,
note. *Ante*,
p. 500, chap.
350.

A PETITION of John Remington of Watertown Setting forth, That in the year 1758 he was, and ever since has been collector of the Excise for the County of middlesex and never has had but two per Cent for collecting the same, that he is put to great Cost and Charge in riding over so large a County to collect the Excise Praying something more may be added, for his time and trouble in collecting the same Excise.

Read and

Voted that the Pet^r be allowed one per Cent over and above the two per Cent already allowed by Law from March 26 1760 to March 26 1761. [*Passed January 19.*

CHAPTER 239.

VOTE IMPOWERING JOSEPH TAFT AND JOSEPH BENSON TO COLLECT TAXES ON QUAKERS.

Legislative
Records of the
Council, xxiii.,
578.

House Jour-
nal, pp. 193, 194.
Province
Laws, iv., 339,
note. *Ante*,
p. 491, chap.
323.

A PETITION of Solomon Wood, in behalf of Joseph Taft constable of Uxbridge, and Joseph Benson constable of mendon Setting forth that the said constables had the Quakers Rates in the year 1759 committed to them to collect; that by an Order of this Court they were staid from collecting the same, that the Province Treasurer has issued an Execution against them for said Taxes Praying Relief

[Read and]

Voted that Josiah² Taft constable of Uxbridge, and Joseph Benson constable of Mendon be directed and Impowered to proceed in collecting the several Taxes in their several lists laid on the Quakers for Levying Soldiers for his majesty's Service in the year 1759. Notwithstanding any former Orders of this Court to the contrary and that the Treasurer be directed to allow the said Constables their Costs of the Executions which have been levied upon them by the Treasurer. [*Passed January 19.*

¹ This date is according to the House Journal, which record states also that Council action took place January 16; Legislative Records of the Council, however, gives the date January 24.

² The House Journal, p. 194, reads, "*Joseph.*"

CHAPTER 240.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

IN THE HOUSE OF REPRESENTATIVES; The House entered into the consideration of the Petitions of sundry sick and wounded Soldiers; and thereupon.

Voted, That the sum of two pounds seventeen shillings be allowed and paid out of the Publick Treasury to Cap^t Howard for the use of Caleb Phillips in full, Two pounds to Samuel Phillips Esq^r for the use of Abiel Messer in full, Two pounds one shilling and two pence, to Col^o Clap, for the use of Benjamin Fuller in full, Five pounds to Col^o Ward, for the use of Benjamin Temple in full, Three pounds to Cap^t Wood for the use of martha Taft, in full, one pound twelve shillings and three pence, to Cap^t Wood for the use of Jonathan Allen in full, Four pounds to Samuel Phillips Esq^r for the use of Joseph Webster in full,

In Council Read and Concurred. [*Passed January 19.*]

Legislative
Records of the
Council, xxiii.,
578.

Mass.
Archives,
lxxviii., 101;
lxxix., 25, 27,
28, 29, 315.
House Jour-
nal, p. 193.

CHAPTER 241.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF GRANTEES OF A TOWNSHIP CALLED NEW MARBLEHEAD, AND APPOINTING A NEW COMMITTEE TO RUN THE LINES THEREOF.

A PETITION of the Grantees of a Township called New Marblehead

Setting forth That in Obedience to the Order of this Honourable Court in October A^D 1758, they sent to the said Township mess^{rs} John Wright and Samuel Turner with Orders to take an exact Account of the state of the said Township, and the progress made by each Grantee toward a Settlement; who made Report upon Oath, which was laid before this Hon^{ble} Court, whereby it Appears that Twenty nine of the Grantees had settled Families there, (A List whereof are hereunto annexed) the other Grantees tho' all of them (but N^o 4 drawn by George Pigot) have Cleared lands on their respective Lotts, they have not settled Families there, by which Neglect the few Families there, have been exposed to great difficulties. That this small Settlement have for many years past dwelt, there, without any Settled Gospel minister or any civil Government among them, That the Grantees, find it necessary that a further division of a set of 100, Acre lotts be laid out there, which can't be Effected with any certainty until they Obtain a Settlement of the Boundary Lines betwixt the said Grant, and the Towns of Falmouth and north Yarmouth on which they Joyn, which they apprehend cannot be Effected but by the Aid of this Hon^{ble} Court. Praying that the twenty nine Settled Numbers be Confirmed to the respective Grantees and their heirs. And the non Settlers be compel'd as soon as may be to compleat their Settlements, That the Settlement of the said Boundary lines may be Ordered. and that the Inhabitants there may be Incorporated into some Order of Government, and as the Original home Lotts were laid out but 10 Acres (to make the Settlement compact and defensible,) which has greatly hurt and

Legislative
Records of the
Council, xxiii.,
542, 579. Mass.
Archives,
cxvii., 478.

Mass.
Archives,
cxvii., 476-479.
Legislative
Records of the
Council, xxii.,
448. House
Journal,
pp. 169, 197, 198.
Province
Laws, iv., 626,
note. *Ante*,
p. 393, chap. 71.

discouraged the said Settlement and that the non Settlers may not be Compelled to settle on said 10 Acre Lotts, each of them having an 100 Acre Lott Adjoyning to the said home Lotts already laid out, which will better suit them and also Praying that Lott N^o 44 in said Township may be appropriated to the ministerial Use,

The Committee to whom was referred the within Petition humbly report as their Opinion that the Rights belonging to the twenty nine persons contained in the Annexed list be confirmed to them their heirs and assignes forever, and that the Plantation be Erected into a District, That the other Original admitted Settlers or those who hold under them being Thirty one, be allowed one year from this time, to comply with the conditions of the Grant, and such of them as do not; their Supposed Shares or Rights revert to the Province, and be disposed of as this Court shall Order, that a committee be appointed, at the Charge of the Petitioners to fix and Ascertain the bounds of the Plantation Adjoyning to the Towns of Falmouth and North Yarmouth they giving proper Notice of the time of their meeting for that purpose and that the School Lott N^o 44, be appropriated for the encouragement of the next ordain'd minister amongst them reserving four acres thereof for Erecting a meeting House on, and for other Publick uses, and that previous to the laying out any further Division, a hundred Acres of good land be laid out for the use of a School in Lieu of said Lott N^o 44.

Order of the Com^{tee} JOHN CHANDLER.

In Council.

Read and Accepted, and

Ordered That Rich^d Cutt Esqr with such as the honourable House shall join be a Committee to run the Lines mentioned in said Report.

In the House of Rep^{tes}

Read and Concur'd and M^r Bradbury and D^r Sayer are Joyned in the Affair. [*Passed January 20.*]

CHAPTER 242.

VOTE CONFIRMING THE VOTES OF INHABITANTS OF WESTBOROUGH AT THEIR TOWN MEETINGS.

Legislative
Records of the
Council, xxiii.,
573. Mass.
Archives,
cxvii., 608.

Mass.
Archives,
cxvii., 606.
House Jour-
nal, p. 198.

A PETITION of the Selectmen of the Town of Westborough in the county of Worcester Setting forth That the Clerks of the said Town from time to time, Since its first Settlement have kept Records of the Officers Chosen from year to year and of the several Votes and Transactions of the Town, but upon examining the Records and files, they can't find the Warrants that were first issued for calling the first meeting, agreeable to the Law of this Province for incorporating said Westborough into a Township, neither can they find many other of the Warrants issued for calling meetings, and that many difficulties may Arise for want of such Warrants Praying that the several Votes and Transactions of the said Town at their several meetings since its first settlement may be confirmed.

[Read and]

Voted, That the Prayer of this Petition be granted, and that the several Votes and Transactions of the Inhabitants of Westborough at their several Town meetings be, and they are hereby ratified and confirmed, and shall be deemed and accounted valid; altho the War-

rants for calling said meetings may be mislaid or lost, and cannot now be produced; Provided such their Transactions and Proceedings were otherwise agreeable to Law. [*Passed January 20.*¹

CHAPTER 243.

ORDER DIRECTING SETH HUDSON AND ISAAC WYMAN TO ATTEND THIS COURT AND FORBIDING THE PROVINCE TREASURER FROM MAKING FURTHER PAYMENTS ON THEIR MUSTER ROLLS.

In the House of Representatives;

The House being informed, that one Roll has been made up by Captain Isaac Wyman, for billeting Troops at West Hoosuck the year past, and another by Seth Hudson for a considerable part of the same time,

Ordered that the said Wyman and Hudson attend this Court on the second Tuesday of the next sitting thereof, and that the Treasurer be directed not to make any further payments on said Rolls in the mean time.

In Council Read and Concurred. [*Passed January 20.*

Legislative
Records of the
Council, xxiii.,
580.

House Jour-
nal, p. 199.
Ante, p. 603,
chap. 87.

CHAPTER 244.

ORDER ALLOWING £10 TO ANN SAUNDERS.

A PETITION of Ann^a Saunders of Boston Widow Attorney to her son James Saunders Setting forth That the said James was on board [the Province Sloop Prince of Wales] Captain Dowse, when he was taken by a French Frigate and carried to Louisbourg, from thence to Old France, where he was confined in Prison for a long time and underwent great Hardships Praying an allowance for his loss of time and Sufferings

Read and

Ordered that the Sum of ten pounds be paid out of the publick Treasury to the Pet^r as Attorney to her son in full for his Sufferings and Captivity mentioned. [*Passed January 20.*

Legislative
Records of the
Council, xxiii.,
580. Mass.
Archives,
lxvi., 115.

Mass.
Archives,
lxvi., 114.
House Jour-
nal, p. 197.

CHAPTER 245.

ORDER ALLOWING £10 TO MARY BOOTH.

A PETITION of Mary Booth of Boston Setting forth That her husband John Booth was on board the Prince of Wales Nathaniel Dowse Commander when she was taken by the French, that he was carried to France where he remained several months, and suffered greatly Praying an allowance for his loss of time and Sufferings.

Read and

Ordered that the Sum of ten pounds be paid out of the publick Treasury to the Pet^r in full for her Husbands Sufferings and Captivity. [*Passed January 20.*

Legislative
Records of the
Council, xxiii.,
581. Mass.
Archives,
lxvi., 79.

Mass.
Archives,
lxvi., 78.
House Jour-
nal, p. 197.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 16.

² The House Journal, p. 197, reads, "*Amy.*"

CHAPTER 246.

ORDER ALLOWING £10 TO HANNAH HORNER.

Legislative
Records of the
Council, xxiii.,
581. Mass.
Archives,
lxvi., 81.

Mass.
Archives,
lxvi., 80.
House Jour-
nal, p. 196.

A PETITION of Hannah Horner of Boston Setting forth That her husband John Horner, was on board the Prince of Wales, Nathaniel Dowse Commander, when she was taken by the French, that he was carried to France where he remained several months and suffered greatly Praying an allowance for his loss of time and Sufferings.

Read and

Ordered that the Sum of ten pounds be paid out of the publick Treasury to the Pet^r in full for her Husbands Captivity and Sufferings. [*Passed January 20.*]

CHAPTER 247.

VOTE DIRECTING THE COMMISSARY GENERAL TO SELL SNOW SHOES AND MOCCASINS.

Legislative
Records of the
Council, xxiii.,
581. Mass.
Archives,
lxxix., 425.

House Jour-
nal, p. 198.
Province
Laws, xv., 694,
chap. 415.

In the House of Repr^{ves}

Whereas this Court in Feb^y 26th 1757 directed the Commissary General to furnish a sufficeint Number of Snow Shoes & Mogasons for the Use of the Scouting & Ranging Partys in the Eastern & Western Frontiers, Great part of those which were provided for the Western Service are Lodged some in the hands of Maj^r Williams at Deerfield & Others in Different parts of the County of Hampshire

Therefore

Voted That the Commissary General be & he hereby is directed to employ some suitable person or persons to dispose of s^d Snow Shoes & Mogasons for the Use of the province they to be accountable

It appearing to this House, that the Province will have no immediate Occasion therefor & that the present season of the year is Best suited to such sale

In Council Read & Concurred. [*Passed January 20.*]

CHAPTER 248.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
582.

Mass.
Archives,
lxxix., 17, 399,
403. House
Journal, p. 200.

IN THE HOUSE OF REPRESENTATIVES; The House took into consideration the Petitions of Sick and Wounded Soldiers and pass'd the following Votes Viz^t

Voted that the sum of five pounds six shillings be paid out of the Publick Treasury to M^r Fowle for the use of Simeon Richardson, To Col^o Prescott for the use of Ephraim Brown Two pounds eight shillings. To Captain Wood for the use of James Bardin Two pounds

In Council Read and Concurred. [*Passed January 21.*]

CHAPTER 249.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS MARINERS OF PROVINCE SLOOP "PRINCE OF WALES."

IN THE HOUSE OF REPRESENT^{YES} The House entered into the Consideration of the Petitions of sundry Mariners and the Representatives of others who belonged to the late Province Sloop of War, Prince of Wales, and thereupon,

Legislative
Records of the
Council, xxiii.,
583. Mass.
Archives,
lxvi., 116.

Voted, That the following Sums be paid out of the publick Treasury to James Russel Esq^r for the Use of the Petitioners in full Consideration of their Captivity and Sufferings Viz^t

House Jour-
nal, pp. 194, 200.

Ten Pounds for the Use of Mary Sherman for the Sufferings of her Son.

Ten Pounds to Jane Holmes for the Sufferings of her Husband.

Ten Pounds for the Use of Marma Duke Masterman.

Ten Pounds for the Use of Joseph Breed.

Ten Pounds for the Use of Moses Abbot. and

Ten Pounds for the Use of James Regin.

In Council Read & Concurred. [*Passed January 21.*]

CHAPTER 250.

VOTE APPOINTING A COMMITTEE TO INQUIRE INTO THE CONDUCT OF DR WILLIAM P. PERKINS IN REGARD TO THE SMALL POX.

In Council

Whereas it is represented to both Houses that Doct W^m P Perkins of Boston hath thro carelessness or some thing worse been instrumentall in spreading the small pox in Boston & unless speedy care be taken there is reason to fear that said contagion will prove universall therefore

Legislative
Records of the
Council, xxiii.,
583. Mass.
Archives,
lxxxvii., 342.

Voted that W^m Brattle Peter Oliver & Thomas Hubbard Esq^{rs} with such as the Honourable House shall join be a Committee forthwith to take said matter under their consideration that they hereby are impowred to send for the s^d W^m Perkins & cause Him to be brought before them & all persons whom said Committee may think can give light touching the conduct of the same W^m in the matters complained of as aforesaid

House Jour-
nal, pp. 121, 122,
201 *bis*, 203 *bis*.

In the House of Rep^{yes}

Read and Concurd and M^r Flucker M^r Bowers M^r Tyler and Col^o Phillips are Joyned in the Affair. [*Passed January 21.*]

CHAPTER 251.

ORDER ALLOWING £3 TO LEMUEL WINCHESTER.

A PETITION of Lemuel Winchester Setting forth that he went as a Soldier in the Year 1758. and that there is stoppage of three pounds from his Wages, for his Gun, that he has since returned said Gun Praying he may be allowed the same,

Legislative
Records of the
Council, xxiii.,
584. Mass.
Archives,
lxxix., 420.

House Journal, p. 200.
Ante, p. 247,
 chap. 89.

Read and

Ordered that the Prayer of this Pet^a be granted and the Pet^r is allowed to receive three pounds out of the Treasury accordingly.
 [Passed January 21.]

CHAPTER 252.

ORDER ON THE PETITION OF JOSEPH MAYO IN REGARD TO LOTTERY TICKETS.

Legislative
 Records of the
 Council, xxiii.,
 585. Mass.
 Archives,
 lxxxviii., 114.

Mass.
 Archives,
 lxxxviii., 112a.
 Legislative
 Records of the
 Council, xxiii.,
 451. House
 Journal,
 pp. 197, 204.
 Province
 Laws, iv., 223,
 chap. 39.

A MEMORIAL of Joseph Mayo of Roxbury Setting forth That he's appointed and impowered by An Act of the General Court, one of the directors or managers of a Lottery granted by said Court to the Town of Roxbury, for paving the High way in said Town, that in numbering his Book in the fifth Class in said Lottery there was a mistake, forasmuch as by agreement of all the managers of said Lottery he was to have the Third Book of said Tickets in said Class, and each Book consist of One Thousand numbers, so that the memorialists Book should have been the third Thousand, yet thro' mistake he began to number his Book with the fourth Thousand, and proceeded as far as three Thousand five hundred before he discovered it, that he had disposed of many of them Praying an Order may pass this Court that all such person or persons, as may be possessed of any Tickets signed by him of any number higher than three Thousand may be returned to him he paying the purchase money.

Read &

Ordered, that the prayer of this Petition Be Granted, & that all Such Tickets in the fifth Class, of Roxbury Lottery, Signed By Joseph mayo the Petitioner (above the Numbers of three Thousand) Be and Hereby are Declared Null and Void, and the Covenants Contain^d in the Faces thereof; Saveing only to the Possessors of all Such Tickets, a right and Liberty at Discretion to Return the Same to the Said Joseph mayo, and Receive there Purchase money again (¹ Vizt Two Dollars for Each of s^d Tickets So Returned; any thing Contain^d in the faces of Said Tickets to the Contrary Notwithstanding. [Passed January 22.]

CHAPTER 253.

ORDER ALLOWING £12.3 TO ELIJAH SMITH.

Legislative
 Records of the
 Council, xxiii.,
 585. Mass.
 Archives,
 lxxix., 310.

House Journal,
 pp. 195, 196,
 202.

A PETITION of Elijah Smith of Taunton in the County of Bristol Setting forth That he enlisted in the Province Service in the year 1759. under Captain John Harvey, and proceeded as far as Sheffield where he was taken Sick with the meazels, and there lay about two months, and then proceeded as far as Kenderhook, where he was taken Sick with the Fever and ague, and was there confined until about the time the Soldiers returned from the Service, that he was never made up in any Roll for that years Service Praying he may be allowed his Wages,

Read and

Order'd, That the Sum of twelve Pounds three Shillings be paid

* *Sic*, as to parenthesis.

out of the publick Treasury to James Williams Esq^r for the Use of the Petitioner in full for his Sufferings and Wages mentioned. [*Passed January 22.*]

CHAPTER 254.

ORDER ALLOWING £4.1.2 TO WILLIAM BACON.

A PETITION of William Bacon of Marblehead Setting forth That he and his Servant Joseph Bacon both served in the year 1759, in the Expedition against Canada under Cap^t John Williams that he and his said Servant, before their return from said Expedition were taken sick with a Putrid Fever, and after their return home were for a long time confined thereby, which occasioned to the Petitioner many heavy Charges Praying an allowance for the same.

Read and

Ordered, That the Sum of Four Pounds one Shilling and two Pence (exclusive of the Doctor's Bill) be paid out of the publick Treasury to the Petitioner in full. [*Passed January 22.*]

Legislative
Records of the
Council, xxiii.,
586. Mass.
Archives,
lxxix., 393.

House Jour-
nal, p. 204.

CHAPTER 255.

VOTE IMPOWERING BRADDYLL SMITH, ADM^r, TO SELL AN ESTATE.

A PETITION of Braddyll Smith Administrator of the Estate of Henry Smith late of Weston in the County of Middlesex deceased Intestate Setting forth that the debts due from said Estate exceed the whole of the personal Estate the sum of One hundred and fourteen pounds Eight shillings and nine pence that the Real Estate was Inventoried at Two hundred and forty pounds consisting of about Fifty three Acres of land, which will not admit of a Division without Spoiling it for a living, if so much is sold to pay the debts Praying Liberty to sell the whole of said Real Estate,

[Read and]

Voted that the Prayer of this Petition be so far granted as that the Petitioner in his Capacity be, and he hereby is impowered to make Sale of the whole of said deceaseds Real Estate in said Petition mentioned for the most the same will fetch and Execute a good Deed or Deeds accordingly he observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of middlesex, for accounting for the proceeds arising by said Sale according to Law. [*Passed January 22.*]

Legislative
Records of the
Council, xxiii.,
586.

House Jour-
nal, pp. 185, 202,
203. Province
Laws, ii., 151.
chap. 10.

CHAPTER 256.

ORDER ALLOWING £1.13.4 TO W^m BLANEY.

A PETITION of William Blaney Setting forth that his Appren- tice, Ebenezer Hall, went as a Soldier in the Province Service in the year 1758, in Captain Timothy Parkers Company that he received a Publick Arm, and returned the same arm to the conductor

Legislative
Records of the
Council, xxiii.,
587. Mass.
Archives,
lxxix., 373.

Mass. Archives, lxxix., 373.
House Journal, pp. 195, 202.
Ante, p. 247, chap. 89.

of Stores at Albany, notwithstanding there is three pounds stoped out of his Wages for said Gun Praying the same may be allowed him

Read, and

Ordered, That the Sum of One Pound thirteen Shillings and four Pence be paid out of the publick Treasury to the Petitioner in full for the Stand of Arms mentioned. [*Passed January 22.*¹

CHAPTER 257.

ORDER IMPOWERING THOMAS HUTCHINSON AS TRUSTEE TO DISCHARGE A MORTGAGE.

Legislative Records of the Council, xxiii., 587.

House Journal, pp. 126, 201, 202. Province Laws, xlii., 42, chap. 66. *Ante*, p. 7, chap. 2.

A PETITION of John Cotton of Boston, Setting forth that he is sole Executor of the last Will and Testament of Isaac Dafforne late of said Boston deceased, that part of said deceaseds Estate was mortgaged to the Commissioners of the £100,000 Loan, That by a settlement made by a Committee for finishing said Loan there appears to be due November 1745 the sum of £53.14.6 Old Tenor, the Interest whereof to this day being £48.5.6 the Petitioner is willing to pay and has Offer'd to pay the same to his Honor the Lieutenant Governor one of the Gentlemen surviving of said Committee, but his Honour is in doubt whether an Order that was passed some years ago upon the Petition of Isaac Little Esq^r is sufficient to Warrant him in discharging this mortgage without an allowance for Depreciation. Praying that his Honour may be impowered to discharge the mortgage upon payment of the nominal sum.

Read and

Ordered that the Prayer of this Petition be granted, and that the Honourable Thomas Hutchinson Esq^r surviving Trustee of the one hundred Thousand pounds Loan, be impowered to discharge the said mortgage upon his receiving the Principal and Interest due thereon viz^t on his receiving the Nominal sum without any allowance for Depreciation. [*Passed January 22.*

CHAPTER 258.

ORDER ALLOWING £3 TO EZEK^L REYNOLDS.

Legislative Records of the Council, xxiii., 588. Mass. Archives, lxxix., 426.

House Journal, pp. 195, 202. *Ante*, p. 247, chap. 89.

A PETITION of Ezekiel Reynolds of middleborough Setting forth, that he went as a Soldier in the Province Service in the year 1758. that at the time of attacking Ticonderoga, he was detached to go with his Captain, that in the persuit of the Enemy he lost his Gun, that there is a stoppage, from his Wages for said Gun Praying an allowance for the same.

Read and

Ordered, That the Sum of three Pounds be paid out of the publick Treasury to James Williams Esq^r for the Use of the Petitioner in full for the Stoppage mentioned. [*Passed January 22.*

¹ Mass. Archives, lxxix., 373, states that the House action took place January 31st, evidently a mistake, as the House Journal gives the date as the 21st, and the final or Council action took place January 22, according to the same Mass. Archives authority.

CHAPTER 259.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £34.6.8 TO
MARY JACKSON & SON.

A PETITION of Mary Jackson & Son of Boston Setting forth that in the late Great Fire in the Town of Boston, the Dwelling house and Stores occupied by the Petitioners, and most of the Goods & Furniture therein were consumed, that they had at the same time Treasurers Notes for Thirty four pounds six shillings which were consumed Praying they may be allowed the same.

Read and

Ordered, That the Prayer of the Petition be granted, and that the Treasurer be directed to pay to the said Mary Jackson and Son the Sum of Thirty four Pounds six Shillings and eight¹ Pence, that Sum in Province Securities being burnt in the Great Fire in the Town of Boston in March last. [*Passed January 22.*]

Legislative
Records of the
Council, xxiii.,
589. Mass.
Archives,
lxxxvii., 86.

Mass.
Archives,
lxxxvii., 85.
Executive
Records of the
Council, xiv.,
331. House
Journal, pp.
198, 199, 205.

CHAPTER 260.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Voted, That the sum of Three pounds, ten shillings, be paid out of the Publick Treasury to Isaac Willard in full: the sum of two pounds sixteen shillings to Francis Stratton in full, the sum of One pound eight shillings and four pence, to Captain Metcalf for the use of Jonathan Newton in full, The sum of Five pounds one shilling to M^r Temple for the use of John Walton in full, and the sum of Fifteen pounds eighteen shillings to Doct^r Porter for the use of Rowland Thomas in full. [*Passed January 22.*]

Legislative
Records of the
Council, xxiii.,
589.

Mass.
Archives,
lxxix., 26, 347,
398, 424. House
Journal,
pp. 205, 206.

CHAPTER 261.

ORDER ALLOWING £3 TO JOHN BRIGGS.

A PETITION of John Briggs of Rochester setting forth that his son John was a Soldier, in the Crown point Expedition in the year 1758. that there was a Stoppage made from his Wages for his Gun altho said Gun was returned Praying an allowance for the same.

Read and

Ordered that the Sum of three pounds be paid out of the Treasury to Cap^t Ruggles for the Use of the Petitioner in consideration of the Stoppage in the Roll mentioned. [*Passed January 22.*]

Legislative
Records of the
Council, xxiii.,
589. Mass.
Archives,
lxxix., 360.

House Jour-
nal, pp. 183, 206.
Ante, p. 247,
chap. 89.

¹ In Mass. Archives, lxxxvii., 86, the sworn statement of William Jackson gives the amount of £34.6.8 not £34.6, as stated in the preamble.

CHAPTER 262.

ORDER ADJOURNING THE COURTS OF WORCESTER COUNTY.

Legislative
Records of the
Council, xxiii.,
590.

House Jour-
nal, pp. 207, 208.
Province
Laws, lii., 64,
chap. 32.

WHEREAS the Inferior Court of common Pleas and Court of General Sessions of the Peace is by Law to be held at Worcester in and for the County of Worcester on the first Tuesday of February next, and this Court being Informed that sundry persons in the Town of Worcester and Neighbouring Towns in that County are Sick with the small Pox, so that the holding of said Courts at the time by Law appointed, may be of dangerous consequence,

Wherefore;

Ordered, that the said Courts be and they hereby are adjourned to the second Tuesday of may next, and that all matters and things that might have day at said Courts on the said first Tuesday of February shall be heard and tryed on the second Tuesday of may next, and that all Officers and other persons concerned in said Courts conform themselves accordingly. [*Passed January 23.*]

CHAPTER 263.

VOTE CONFIRMING THE CHOICE OF ABIEL SADLER AS A CONSTABLE OF UPTON.

Legislative
Records of the
Council, xxiii.,
590.

House Jour-
nal, pp. 205, 207.
Province
Laws, iv., 441,
note.

A PETITION of Abiel Sadler of Upton . Setting forth that the Town of Upton at their meeting in march last, chose Jonathan Wood one of the Constables of said Town, who hired the Petitioner to take his place, and serve in his Room accordingly the said Town at their meeting in may last accepted and chose the Petitioner in the room of the said Jonathan, and the Taxes of said Town have been committed to him to collect, that there is a doubt whether the choice was Legal Praying a confirmation of his choice

Read and

Voted, That the Prayer of this Petition be granted, and that the choice and acceptance of Abiel Sadler at the Town meeting of the Town of Upton in may last as constable, in the room and stead of Jonathan Wood who was chosen constable by said Town in march last, be and hereby is confirmed, and all the doings of said Constables since in his said Office is declared good and Valid to all Intents and purposes whatsoever, or what he shall hereafter do by Virtue of said Choice; Provided that the same be otherwise Agreeable to Law. [*Passed January 23.*]

CHAPTER 264.

ORDER GRANTING TO REBECKAH MANSFIELD LICENCE TO SELL STRONG DRINK.

Legislative
Records of the
Council, xxiii.,
591.

A PETITION of Rebeckah Mansfield of Marblehead setting forth, That her late husband Isaac Mansfield was Licensed to retail Spirits that at his decease there was sundry sorts of Spirituous Liquors re-

mained unsold, Praying that she may be Licensed to Retail Spirituous Liquors, till the next Term of the Court of General Sessions of the Peace for the County of Essex,

[Read and]

Ordered that the Prayer of this Petition be granted, and that the Petitioner be allowed to Retail Spirituous Liquors in the House in Marblehead in the County of Essex, of her late husband for and during the time he was Licensed for, Provided she Recognize before two Justices in the County of Essex (Quorum Unus) according to Law within fifteen days from this time, for her keeping good Rule and order, and duly paying the Excise. [*Passed January 23.*]

House Journal, p. 208.

CHAPTER 265.

ORDER ALLOWING £15 TO EZRA HITCHINGS.

A PETITION of Ezra Hitchings of Lynn Setting forth that he was at the taking Fort Cumberland in the year 1755, and in January 1756, while in the service of his majesty he lost both his leggs Praying an allowance

Legislative Records of the Council, xxiii., 592. Mass. Archives, lxxix., 264.

Read and

Ordered that the Sum of fifteen pounds be paid out of the publick Treasury to the Pet^r in full consideration for his Sufferings mentioned. [*Passed January 23.*]

Mass. Archives, lxxix., 264. House Journal, pp. 88, 209.

CHAPTER 266.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE AND CHINA WARE IN SUFFOLK COUNTY.

In the House of Representatives;

Voted That Thomas Flucker and Royal Tyler Esq^{rs} with such as the honourable Board shall join, be a Committee to Farm out the Duties of Excise on Tea, Coffee, and China ware, in the County of Suffolk, the current year.

Legislative Records of the Council, xxiii., 594.

House Journal, p. 185.

In Council; Read and Concurred and Samuel Watts Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 267.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE AND CHINA WARE IN PLYMOUTH COUNTY.

In the House of Representatives;

Voted that Thomas Clap and Thomas Foster Esq^{rs} with such as the honourable Board shall join, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware in the County of Plymouth the current year.

Legislative Records of the Council, xxiii., 594.

House Journal, p. 186.

In Council; Read and concurred and Gamaliel Bradford Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 268.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN ESSEX COUNTY.

Legislative
Records of the
Council, xxiii.,
595. Mass.
Archives, cxx.,
379.

House Jour-
nal, p. 185.

In the House of Represent^{ves}

Voted, That John Choate Esq^r and Mr Thomas Porter, with such as the Hon^{ble} Board shall join, be a Committee to farm out the Duties of Excise upon Tea, Coffee and China-Ware in the County of Essex, for the Year current.

In Council Read & Concurred & Benj^a Lynde Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 269.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN WORCESTER COUNTY.

Legislative
Records of the
Council, xxiii.,
595. Mass.
Archives, cxx.,
375.

House Jour-
nal, p. 186.

In the House of Represent^{ves}

Voted, That Artemas Ward Esq^r and Captain Bezaleel Eager, with such as the Hon^{ble} Board shall join, be a Committee, to farm out the Duties of Excise on Tea, Coffee and China-Ware, in the County of Worcester, the Year current.

In Council Read & Concurred and John Chandler Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 270.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council, xxiii.,
595.

House Jour-
nal, p. 186.

In the House of Representatives;

Voted That John Worthington and Elijah Williams Esq^{rs} with such as the honourable Board shall join be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware, in the County of Hampshire the current year.

In Council Read and Concurred and Israel Williams Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 271.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN BARNSTABLE COUNTY.

Legislative
Records of the
Council, xxiii.,
595.

House Jour-
nal, p. 186.

In the House of Representatives;

Voted, That James Otis and Roland Cotton Esq^{rs} with such as the honourable Board shall join, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware, in the County of Barnstable the current year.

In Council Read and Concurred and Silvanus Bourne Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 272.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN NANTUCKET COUNTY.

In the House of Representatives;

Voted, That Abishai Folger Esq^r and Cap^t Obed Hussey, with such as the honourable Board shall join, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware in the County of Nantucket the current year.

In Council Read and concurred and Benjamin Tupper Esq^r is joined in the Affair. [*Passed January 24.*]

Legislative
Records of the
Council, xxiii.,
595.

House Jour-
nal, p. 187.

CHAPTER 273.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN LINCOLN COUNTY.

In the House of Representatives;

Voted That Samuel Denny and William Cushing Esq^{rs} with such as the honourable Board shall join be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware, in the County of Lincoln the current year.

In Council Read and Concurred and William Lithgow Esq^r is joined in the Affair. [*Passed January 24.*]

Legislative
Records of the
Council, xxiii.,
596.

House Jour-
nal, p. 186.

CHAPTER 274.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN THE COUNTY OF DUKES COUNTY.

In the House of Representatives;

Voted, That Matthew Mayhew Esq^r and James Athearn with such as the honourable Board shall join be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware in the County of Dukes County the current year:

In Council Read and Concurred and John Norton Esq^r is joined in the Affair. [*Passed January 24.*]

Legislative
Records of the
Council, xxiii.,
596.

House Jour-
nal, p. 187.

CHAPTER 275.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN YORK COUNTY.

In the House of Represent^{ves}

Voted, That John Bradbury Esq^r and Cap James Gowen with such as the Hon^{ble} Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee and China-Ware in the County of York, the current year.

In Council Read & Concurred and John Hill Esq^r is joined in the Affair. [*Passed January 24.*]

Legislative
Records of the
Council, xxiii.,
596. Mass.
Archives, cxx.,
379.

House Jour-
nal, p. 186.

CHAPTER 276.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxlii.,
596.

House Jour-
nal, pp. 185, 186.

In the House of Representatives;

Voted, That Andrew Boardman and James Russel Esq^{rs} with such as the honourable Board shall join, be a Committee to Farm out the Duties of of ¹ Excise on Tea, Coffee and China ware, in the County of middlesex the current, year

In Council Read and Concurred and Samuel Danforth Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 277.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN CUMBERLAND COUNTY.

Legislative
Records of the
Council, xxlii.,
596.

House Jour-
nal, p. 187.

In the House of Representatives;

Voted, That Samuel Waldo and Jeremy Powell Esq^{rs} with such as the honourable Board shall join, be a Committee to Farm out the Duties of Excise on Tea, Coffee and China ware, in the County of Cumberland the current year.

In Council Read and Concurred and Ezekiel Cushing Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 278.

VOTE APPOINTING A COMMITTEE TO FARM EXCISE ON TEA, COFFEE
AND CHINA WARE IN BRISTOL COUNTY.

Legislative
Records of the
Council, xxlii.,
596.

House Jour-
nal, p. 186.

In the House of Representatives;

Voted That James Williams and Thomas Morey Esq^{rs} with such as the honourable Board shall join, be a Committee to Farm out the Duties of Excise on Tea, coffee and china ware, in the County of Bristol, the current year,

In Council; Read and Concurred; and George Leonard Esq^r is joined in the Affair. [*Passed January 24.*]

CHAPTER 279.

ORDER ALLOWING £233 TO HARRISON GRAY.

Mass.
Archives, civ.,
43. House
Journal,
pp. 191, 192.

Mass.
Archives, civ.,
40. Executive

A MEMORIAL of *Harrison Gray*, Esq; Treasurer of the Province, setting forth his extraordinary service in issuing Government Securities, paying off Soldiers &c., praying this Court to take his services under their consideration and make him such an Allowance as in their Wisdom they shall think Equitable.

Read and

Ordered that the sum of two hundred and thirty three pounds be granted and paid out of the publick Treasury to the Memorialist in full consideration of his Ordinary and extraordinary Services in that important Station to the twenty third of December last. [*Passed* * *January 24.*]

Records of the Council, xlv., 320. House Journal, p. 211. *Ante*, p. 651, chap. 184.

CHAPTER 280.

VOTE DIRECTING THE COMMISSARY GENERAL TO PAY £5 TO EACH SOLDIER RETURNED FROM LOUISBOURGH AND NOVA SCOTIA.

IN THE HOUSE OF REPRESENTATIVES; The House being informed by divers of their members that a number of Private Soldiers who served his majesty at Louisbourg and Nova Scotia in 1759, and according to the Tenour of their Inlistments should have been discharged said Service in November 1759. and expected them to have been returned home at the Charge of the Crown were Nevertheless (thrô the extraordinary circumstances of his majesty's Service) detained therein for a much longer time viz^t until the first day of September last,

Legislative Records of the Council, xxiii., 597.

House Journal, p. 206. *Ante*, p. 661, chap. 207.

Therefore,

Voted That the Commissary General be directed to pay the sum of Five pounds, to each and every of the said Soldiers, who was detained in said Service as aforesaid, who have received no Bounty for a New Inlistment and shall produce to the said Commissary General, a certificate from his Captain or chief Officer that he continued in said Service, regularly doing duty therein from november 1759. to September 1760, and were regularly discharged from said Service before they left the same,

In Council Read and Concurred. [*Passed January 24.*]

CHAPTER 281.

VOTE IN REGARD TO TRUCK TRADE WITH INDIANS, AND VOTE FOR A SURVEY OF THE COUNTRY THIS SIDE OF THE ST LAWRENCE RIVER, AND A FURTHER VOTE FOR AN ESTABLISHMENT FOR PERSONS ENGAGED THEREIN, &c.

In the House of Representatives

Voted, That a Bill be brought in for providing a Truck Trade with the Indians at Fort Pownall and at Fort Hallifax, as soon as may be.

Legislative Records of the Council, xxiii., 598. Mass. Archives, cxx., 380.

Voted also, That a good Information of the Country on this Side the River St^t Lawrence, by actual Surveys may be had, that there be three Companies of men raised for the Purpose, consisting of fifteen men to a Company Viz^t one Captain, two Surveyors and twelve Privates; one Company to take their Rout from Penobscot up that River into Canada as far as the River St^t Lawrence. The second Company up the River Kennebeck, and so by the Way of Choudere into Canada, as far as the River aforesaid; and the third Company to go by the Way of Berwick, or any other Way, to Cohos into the Country of Canada as his Excellency the Governour and Council shall direct

House Journal, pp. 210, 211, 214. Province Laws, iv., 404, chap. 17; 448, note.

Voted also, That an Establishment be made for said Companies, who are to be subsisted and paid by the Government as follows, *Viz*^t

For a Captain, eight Pounds	.	.	.	.	.	.	per Month.
For a surveyor eight Pounds	.	.	.	.	.	.	per Ditto.
For a Private three Pounds	.	.	.	.	.	.	per Ditto.

said Establishment to continue while said Captains, Surveyors and Privates are in said Service, not to exceed the tenth Day of June next.

And that his Excellency the Captain General be desired to Commissionate three proper Persons as Captains, and appoint fit Surveyors, and also order an Inlistment of thirty six Privates for the Business aforesaid; and that he would give Orders and direct their Proceedure in said Affair.

Also, That his Excellency, be desired to take ten of the Privates aforesaid out of the Forts Pownall, Hallifax and the Block house at Cushnoc; said ten Men while on said Service to have the same Wages with others on the same Service, including their Garrison Pay.

In Council Read & Concurred and

Ordered That Tho^s Hubbard Esqr with Such as the hon^{le} House shall join be a Committee to bring in a Bill providing for a Truck Trade with the Indians

In the House of Rep^{ues}

Read and Concurd and Col^o Phillips and Col^o Clap are Joyned in the affair. [*Passed January 26.*]

CHAPTER 282.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY £8.5 TO MARY WILLIAMS.

Legislative
Records of the
Council, xxiii.,
599. Mass.
Archives,
lxxxvii., 100.
Mass.
Archives,
lxxxvii., 98.
House Jour-
nal, pp. 153, 154,
213.

A PETITION of Mary Williams of Boston Setting forth That she liv'd with her Brother at his House near Olivers Dock when the fire broke out that happen'd in November 1759, that said Fire began at the House adjoining, and got to such an heighth before it was discovered, that the Chamber wherein the Petitioner lodged was in Flames before she knew it, that it was with difficulty she saved her life, that she was possessed of a Treasurers Note for Seven pounds, which was then consumed Praying an allowance for the same,

[*Read and*]

Voted That the Prayer of the Petition be Granted, and That the Treasurer of this Province is hereby Directed to pay unto the Petitioner the Sum of Eight pounds & five shillings ¹ in Lieu of the Province note Consumed by fire as mentioned in her Petition. [*Passed January 26.*]

¹ *Sic.*

CHAPTER 283.

ORDER SUBSTITUTING CAPT. EDWARD DAVIS FOR JOHN CHANDLER, ESQ, AS GUARDIAN OF THE DUDLEY INDIANS.

Legislative
Records of the
Council, xxiii.,
599.

Ordered, That Captain Edward Davis be and he is hereby appointed to be one of the Guardians of the Dudley Indians, in the room of John Chandler Esq^r who desires to be dismissed from that Service. [*Passed January 26.*]

House Jour-
nal, p. 216.
Ante, p. 241,
chap. 76, note.

CHAPTER 284.

ORDER GRANTING TO JOHN FAIRSERVICE LICENCE TO SELL STRONG DRINK.

A PETITION of John Fairservice of Boston Distiller setting forth that he has lately purchased a large Distilhouse, and now carries on the Distilling Business, that all the Distillers in Town have License to Retail their Liquors Distilled, in small Quantities, and the Select-men of the Town of Boston have consented that the Petitioner should have the same Liberty Praying the Court of General Sessions of the Peace to be held at Boston the 27: day of January 1761, may be Impowered to grant him a License

Legislative
Records of the
Council, xxiii.,
599. Mass.
Archives, cxx.,
377.

Mass.
Archives, cxx.,
376.

Read and

Ordered that the Prayer of the Petⁿ be granted and the Justices of the Gen^l sessions of the Peace are hereby allowed to grant the Pet^r a Licence accordingly.¹ [*Passed January 26.*]

CHAPTER 285.

VOTE THAT MONEY ADVANCED BY MESSRS GOLDTHWAIT AND FOYE BE DEDUCTED FROM THE WAGES OF SOLDIERS.

Voted that the several sums of money paid by Mess^{rs} Goldthwait and Foye by themselves, or any others under them, by their order to Soldiers in the Western Service be deducted out of the Wages of such Soldiers respectively. [*Passed January 26.*]

Legislative
Records of the
Council, xxiii.,
600.

House Jour-
nal, p. 215.

CHAPTER 286.

ORDER ADJOURNING THE INFERIOR COURT OF HAMPSHIRE COUNTY.

WHEREAS two of the Justices of the Inferior Court of Common Pleas for the County of Hampshire will probably be unable to attend said Court on the second Tuesday of February next, when by Law the said Court is to be holden, And Whereas it will be inconvenient as well as needlessly expensive to the People of the said County to have the Court of General Sessions of the Peace holden at said Time and the said Inferior Court adjourned to a future day,

Legislative
Records of the
Council, xxiii.,
600.

House Jour-
nal, p. 215.
Province
Laws, xv., 198,
chap. 80.

¹ Not found in the House Journal.

Therefore

Ordered, That the said Court of General Sessions of the Peace and Inferior Court of common Pleas that by Law should be holden at Northampton in said County of Hampshire on the said second Tuesday of February next, be, and hereby are adjourned to the third Tuesday of May next, and then to be holden at Springfield in said County at ten of the Clock in the forenoon of the same day; and that all Pleas, Writs, Actions, Suits, Complaints, Processes Precepts, Recognizances and other matters whatsoever returnable or having day in said Courts shall stand abide and continue unto said third Tuesday of may, and shall then have day be heard tried and proceeded in by said Courts respectively at said Springfield and shall be deemed and held as good Effectual and Available in Law to all Intents and purposes, whatsoever, as if said Courts had been held and kept at the time and place by Law provided for holding the same as aforesaid. and no Adjournment thereof had been made. [*Passed January 26.*]

CHAPTER 287.

VOTE GRANTING AGENT WILLIAM BOLLAN LEAVE TO RETURN HOME.

Legislative
Records of the
Council, xxiii.,
601. Mass.
Archives,
xxii., 182.

House Jour-
nal, p. 216.

In the House of Representatives

The House Taking into Consideration the Request of William Bollan Esq^r Agent of this Province at the Court of Great Britain in his Letter of the 20th of August Last, for Leave to come home to New England,

Voted That Mr Agent Bollan's Request as signified in s^d Letter be Granted, and that he have the Leave of this Court to Return to New-England for the purposes mentioned therein, and that he take his own time, when he shall find the state of the Public & the Province affairs will Permitt him so to do

In Council Read & Concurred. [*Passed January 26.*]

CHAPTER 288.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF SOUTH HADLEY IN REGARD TO ERECTING A MEETING HOUSE.

Legislative
Records of the
Council, xxiii.,
495.

Mass.
Archives, xiv.,
204. House
Journal,
pp. 217 bis, 218.
Ante, p. 541,
chap. 442.

THE COMMITTEE to whom was referred the Petition of a Number of the Inhabitants of South Hadley, with the Order of Court thereon; have repaired to the said place, carefully viewed the District, and fully heard the Parties; and after the most mature consideration thereon have determined that the place for erecting a new meeting House be within fourteen Rods South, nearest of where the Old House now stands, as the same is by them Staked out Which is by us humbly submitted.

BENJ^A LINCOLN,
ELDAD TAYLOR,

THOMAS MOREY,
JOSEPH ROOT.

In Council;

Read together with the Petition of Benjamin Eastman and others of South Hadley against this Report, and

Ordered that the Report be accepted.

In the House of Representatives, Read and Nonconcurrent, and
Ordered that Col^o Ward and Col^o Marcey with such as the honourable Board shall join be a Committee to repair to South Hadley, view the District referred to, hear the Parties and make report, the Charge to be borne as this Court shall order.

In Council, Read and Concurred and John Chandler Esq^r is joined in the affair,

In Council Timothy Paine Esq^r is joined to the Com^{tee} in the room of John Chandler Esq^r who desires to be excused. [*Passed January 27.*¹

CHAPTER 289.

VOTE IMPOWERING WILLIAM COOPER, EXECUTOR, TO EXECUTE A DEED.

A PETITION of William Cooper of Boston Setting forth That he is surviving Executor of the Testament of M^r James Oliver late of Boston deceased that the said Testator in his life time contracted with M^r Benjamin Hallowell of said Boston for his Right in certain Lands on Kennebeck River, comprehended in the Patent to the late Colony of New Plymouth, and in consideration of said Bargain, actually received the consideration money, saving Eight pounds, but the said Testator died before he had Opportunity to Execute a Deed of the same Praying he may be impowered to Execute a Deed of the same,

Legislative
Records of the
Council, xxiii.,
601. Mass.
Archives, xix.,
637.

Mass.
Archives, xix.,
636. House
Journal,
pp. 183, 208.

Read and

Voted, That the Prayer of this Petition be granted, and that the said William Cooper in his Capacity aforesaid be impowered to make and execute a good and sufficient Deed for the Land, mentioned in his Petition, to Benjamin Hallowell, upon his paying to said Cooper the remaining Part of the Purchase Consideration agreed for with the Testator, said Cooper having first given sufficient Caution to the Judge of Probate for the County of Suffolk, to be accountable to the Heirs and Creditors of said Deceased for what Sum he may receive from the said Benjamin. [*Passed January 27.*

CHAPTER 290.

VOTE ALLOWING £3 TO ROBERT PREBBLES.

A PETITION of Robert Prebbles of Pelham Setting forth that in the year 1758, he went as a Soldier in the Province Service, that while they were Engaging the Enemy he lost his Gun Praying an allowance for the same,

Legislative
Records of the
Council, xxiii.,
602. Mass.
Archives,
lxxix., 300.

[Read and]

Voted that the Sum of Three pounds be paid out of the publick Treasury of this prov^{ce} to the Petitioner in Consideration of the Stoppage mentioned the said sum to be paid to Col^o Dwight. [*Passed January 27.*

Mass.
Archives,
lxxix., 300.
House Journal,
p. 214.
Ante, p. 247,
chap. 89.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is December 26.

CHAPTER 291.

ORDER ALLOWING £150 TO THOMAS HUBBARD, ESQ^r, COMMISSARY GENERAL.

Legislative
Records of the
Council, xxiii.,
603. Mass.
Archives,
lxxix., 404.

House Jour-
nal, pp. 216, 218.
Ante, p. 651,
chap. 183.

A MEMORIAL of Thomas Hubbard Esq^r Commissary General Setting forth, that in order to prosecute the ordinary Business of his Office, he is under a necessity of employing three Persons at least, and more at times, in proportion to the other Business assigned him; that in the run of the last year, he has had many things devolved on him; that without incurring a very considerable expence, he never could have complied with the orders of this Court; that the Grant already made him, will not compensate for his necessary expences, and leave him an adequate Reward for his Services Praying that a further allowance may be made him for his Services aforesaid

Read and

Ordered that the Sum of One hundred and fifty pounds be granted and paid out of the publick Treasury to the Memorialist in full consideration for his ordinary and extraordinary Services for the year past ending the eleventh Instant. [*Passed January 27.*]

CHAPTER 292.

ORDER ALLOWING £3 TO SETH HARDING.

Legislative
Records of the
Council, xxiii.,
603. Mass.
Archives,
lxxix., 414.

Mass.
Archives,
lxxix., 413.
House Jour-
nal, pp. 217, 219.
Ante, p. 247,
chap. 89.

A PETITION of Seth Harding of Medway Setting forth that his Servant William Williams in the year 1758, went as a Soldier in the Province Service, that there is a stoppage from his Wages of three pounds for his Gun which was lost Praying an allowance for the same,

Re[a]d and

Ordered that the prayer of this Petition be Granted and that the Petitioner be paid out of the Publick Treas^{ry} the Sum of Three Pounds which was Stopped out of his Said Servants wages. [*Passed January 27.*]

CHAPTER 293.

ORDER IMPOWERING THE INDIAN PROPRIETORS OF STOCKBRIDGE TO EXECUTE A DEED.

Legislative
Records of the
Council, xxiii.,
604. Mass.
Archives,
xxxiii., 155.

Mass.
Archives,
xxxiii., 154.
House Jour-
nal, p. 219.

A PETITION of the Indian Proprietors of Stockbridge in the County of Hampshire setting forth that about three years ago their Church became destitute of a minister by the removal of the Rev^d M^r Edwards, to Supply the Vacancy they made choice of the Rev^d M^r Stephen West for their minister, who is legally ordained among them, that there was no legal Provision made for the comfortable settlement of a missionary there, that they at a Proprietors meeting granted him fifty Acres of land Adjoyning to the Orphan Farm and bounding North on the same: Praying they may be impowered to give a Deed of the same,

Read and

Ordered that the Prayer of the Petⁿ be granted and the Petitioners are allowed to give a Deed accordingly. [*Passed January 27.*]

CHAPTER 294.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Voted The following allowance Be made to the Persons Hereafter named for their Trouble & Charge in Distributing the French People Late Inhabitants of Nova Scotia, according to the Order of the Gen^l Court.¹

To, the foot of Col. Gam ^l Bradfords account	£2. 08. 00
to, The foot of Col: Tho ^s Clapp' account	2. 14. 06
to, Col. George Watson	2. 08. 0
to The foot of Capt ⁿ Dan ^l Hawards account	0. 09. 0
to, The foot of m ^r Woodbridge Browns account	1. 10. 0
to, The foot of Lazarus Bowker' account to be paid to Col Clapp for the use of Said Lazarus	3. 01. 6
to, The foot of Joshua Curtis ^s Account to be paid to major Stockbridge for the use of s ^d Joshua	5. 12. 6
to, the foot of the Selectmen of Wareham' account	2. 10. 0
	£20. 13. 6 ¹

Legislative Records of the Council, xxiii., 604. Mass. Archives, xxiv., 451.

Ante, p. 553, chap. 477; p. 620, chap. 118.

[*Passed January 27.*

CHAPTER 295.

VOTE ALLOWING £10 TO JOHN CON.

A MEMORIAL of John Con Setting forth that in the year 1756, he went as a Soldier in the Province Service in the Expedition against Crown Point, that when he was out on a Scout he was Captivated, by the Indians and carried to montreal Praying an allowance, for his time and Sufferings.

Read and

Voted, That the sum of Ten pounds be paid out of the Publick Treasury to Samuel Phillips Esq^r for the use of the Petitioner, in full for his Captivity and Sufferings. [*Passed January 27.*

Legislative Records of the Council, xxiii., 605.

Mass. Archives, lxxix., 333. House Journal, p. 219.

CHAPTER 296.

ORDER ALLOWING £5. 16. 4 ACCOUNT OF THE COMMITTEE THAT DISTRIBUTED THE FRENCH EXILES IN THE COUNTY OF WORCESTER.

THE COMMITTEE appointed to proportion the late French Inhabitants of Nova Scotia in the several Towns within the County of Worcester made report, and their Accompts of Charges amounted to five pounds sixteen shillings and four pence,

Read and

Ordered that the above acc^t be allowed and that the Sum of five pounds Sixteen Shillings and four pence be allowed the Comm^{ee} out of the Treasury accordingly.¹ [*Passed January 27.*

Legislative Records of the Council, xxiii., 605. Mass. Archives, xxiv., 331.

Mass. Archives, xxiv., 328. Legislative Records of the Council, xxiii., 359. House Journal, p. 30. *Ante*, p. 553, chap. 477. *Supra*, chap. 294.

¹ Not found in the House Journal.

CHAPTER 297.

Legislative
Records of the
Council, xxiii.,
606. Mass.
Archives,
xxiv., 390.

Mass.
Archives,
xxiv., 388.
Ante, p. 553,
chap. 477.
Supra, chap.
294.

ORDER ALLOWING THE ACCOUNT OF THE COMMITTEE THAT DISTRIBUTED THE FRENCH NEUTRALS IN THE COUNTY OF SUFFOLK.

THE COMMITTEE appointed, to proportion the French Neutrals in the several Towns within the County of Suffolk made report and presented an Accompt of Charge amounting to Nine pounds six shillings,

Read and

Ordered that the above written Acc^t be allowed.¹ [*Passed January 28.*]

CHAPTER 298.

VOTE ALLOWING £13 TO JONATHAN DORE.

Legislative
Records of the
Council, xxiii.,
606. Mass.
Archives,
lxxix., 432.

House Jour-
nal, p. 221.

In the House of Rep^{ves}

The House taking into consideration the circumstances of Jonathan Dore the following Vote passd Viz

Voted that the Sum of thirteen pounds be granted and paid out of the publick Treasury to the said Jonathan Dore in consideration of his Services and Sufferings in Captivity and his Journey from Berwick to wait upon this House according to their Order

In the Council

Read & Concur'd. [*Passed January 28.*]

CHAPTER 299.

VOTE ALLOWING £15. 4. 8 TO JOHN HAWKS.

Legislative
Records of the
Council, xxiii.,
607. Mass.
Archives,
lxxix., 431.

House Jour-
nal, pp. 218, 219,
221.

A PETITION of John Hawks Setting forth that he was appointed in February last, a Major in Brigadier Ruggles second Batallion, the duty of which he performed to the tenth of June last, when he was appointed a Lieutenant Colonel in Col^o Whitcombs Regiment, the Duty of which Office he performed to the End of the Campaign; he therefore prays this Court to take his case into consideration, and grant him wages for the time he was Omitted in Brigadier Ruggles's Roll,

[Read and]

Voted that the Sum of fifteen pounds four Shill^s and eight pence be allowed and paid out of the publick Treasury to the Pet^r in full for his Service as Major in Brig^a Ruggles Regiment thirty two Days. [*Passed January 28.*]

¹ Not found in the House Journal.

CHAPTER 300.

VOTE DIRECTING THE PROVINCE TREASURER NOT TO ISSUE WARRANTS AGAINST CONSTABLES OR COLLECTORS FOR NON-PAYMENT OF TAX ON VESSELS.

Voted That the Province Treasurer be & hereby is Directed not to Issue any Warrant of Distress or Commitment against any of the Constables & Collectors who have not paid into the Treasury the Tax of Six pence Per Ton on Comon Coasters, whaling & Fishing Vessells that do not enter & clear at any of the Publick offices in this Government Pursuant to a Law of this Province, Untill the next Sitting of this Court. [*Passed January 28.*]

Legislative
Records of the
Council, xxiii.,
607. Mass.
Archives,
lxvi., 118.
House Jour-
nal, p. 221.
Province
Laws, iii., 202,
chap. 22.

CHAPTER 301.

VOTE ALLOWING £120 AND £40 ADDITIONAL TO ANDREW OLIVER, ESQ^R, SECRETARY.

A MEMORIAL of Andrew Oliver Esq^r Secretary of the Province, setting forth that sometime in January last, his Deputy M^r Thomas Clarke, died, by which means he has for a whole year past, not only been at extraordinary Expence for Clerks, but has been Obligated to give more than common attention to the Business of the office Praying an allowance for his extraordinary Service,

Read and

Voted that the Sum of One hundred and twenty pounds be granted and paid out of the publick Treasury to the Memorialist in full for his extraordinary Services for the year past.

And that the further Sum of forty pounds be allowed him in consideration of his not having recieved any Fees for the Petitions of the poor distressed Servants of the Government for two years past. [*Passed January 28.*]

Legislative
Records of the
Council, xxiii.,
607. Mass.
Archives, 1,
150.
Mass.
Archives, 1,
148. House
Journal,
pp. 220, 222.

CHAPTER 302.

VOTE ANNEXING GARRETT BURGHART WITH HIS ESTATE TO THE TOWN OF SHEFFIELD.

A PETITION of Garret Burgheart of Sheffield Setting forth That in running the line between Sheffield and Egremont, his house and Part of his land fell within that District Praying his Land with the Buildings, may be annexed to Sheffield, there to do duty and receive Priviledge,

[Read and]

Voted that the Prayer of this Petition be granted, and that the Petitioner Garret Burghart with his Family and Estate mentioned in said Petition, be and hereby is annexed to the Town of Sheffield, and to be accounted as part of said Town to all intents and purposes whatsoever there to do Duty and receive priviledges Equal with the other Inhabitants of said Town. [*Passed January 28.*]

Legislative
Records of the
Council, xxiii.,
608.
House Jour-
nal, pp. 217, 219.

CHAPTER 303.

Legislative
Records of the
Council, xxiii.,
608. Mass.
Archives, xiv.,
216.

House Jour-
nal, p. 223.
Province
Laws, iv., 415,
chap. 20; 449,
note.

ORDER DIRECTING THE SECRETARY TO PRINT AND DISTRIBUTE THE BILL IN REGARD TO OBSERVING THE LORD'S DAY.

Ordered that the Secretary be directed to cause the Bill for making more effectual Provision for the due observation of the Lord's Day to be printed as soon as may be, and sent into the several Towns and Districts thro' the Province & Lodged with their Clerks or Selecment.¹ [*Passed January 28.*]

CHAPTER 304.

VOTE ALLOWING THE ADMINISTRATOR TO RECEIVE THE WAGES DUE WILLIAM WILLIAMS.

Legislative
Records of the
Council, xxiii.,
614.

House Jour-
nal, p. 222.
Ante, p. 524,
chap. 402.

IN THE HOUSE OF REPRESENTATIVES; On a motion made in the House, That the Administrator, on the Estate of M^r William Williams deceased a late Surgeon in one of the Battalions of General Ruggles Regiment, may be allowed to draw the wages of the said Surgeon, notwithstanding he never returned the Chest of Medicines committed to him, and notwithstanding the Vote of this Court of the 29th of March last respecting such Surgeons, And it being represented to the House, that said Surgeon died in said Service and the chest committed to him came into the hands of M^r Thomas Mather Surgeon of the other Battalion of said Regiment and Certificate under hand of said mather being produced, Acknowledging his Receipt of said Chest among others,

Therefore

Voted, that said Administrator, be allowed to receive said Williams Wages, said Vote of the 29: of March last notwithstanding. [*Passed January 29.*]

CHAPTER 305.

RESOLVE ALLOWING £70 ADDITIONAL TO THE SECRETARY.

Legislative
Records of the
Council, xxiii.,
615. Mass.
Archives, l.,
151.

House Jour-
nal, p. 162.
Ante, p. 651,
chap. 182.

Resolved, That the Sum of Seventy pounds be granted and allowed to be paid out of the publick Treasury to the honorable Andrew Oliver, Esq^r Secretary of this Province, in Consideration of his extraordinary Services to the sixth Day of December last. [*Passed January 29.*]

¹ *Sic*, it seems, for "Selectmen."

CHAPTER 306.

VOTE ALLOWING £2. 16. 8 TO GERSHOM DUNTON.

A PETITION of Gershom Dunton Setting forth that he was a Soldier in the Province Service at the Westward the last year, that he was taken sick which put him to great Charge Praying an allowance for the same,

[Read and]

Voted that the sum of two pounds sixteen shillings and eight pence, be paid out of the Treasury to Captain Cooledge for the use of the Petitioners in full. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
617.

House Jour-
nal, p. 225.

CHAPTER 307.

VOTE ALLOWING £1. 1 TO JACOB TIRRIL.

A PETITION of Jacob Tirril of Abington Setting forth That he was a Soldier in the Pay of the Province in the year 1759, That while at Halifax he was taken sick, and after his return to Boston, was unable to get home without considerable Expence Praying an allowance for the same,

[Read and]

Voted, That the Sum of one Pound one Shilling be paid out of the Treasury to M^r Brown for the use of the Petitioner in full. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
617. Mass.
Archives,
lxxix., 402.

Mass.
Archives,
lxxix., 401.
House Jour-
nal, p. 225.

CHAPTER 308.

VOTE ALLOWING £3. 10. 8 TO THOMAS WRIGHT.

A PETITION of Thomas Wright of Westford Setting forth that his son Reuben Wright a minor inlisted as a Soldier in the Pay of the Province in the year 1759, in the Expedition against Canada, that while at Crown point he was taken sick and left in the Hospital after the Forces were discharged, that he removed the said Reuben as far as Western to Doct^r Woods where he died with the small-Pox Praying an allowance for his loss of time & Expences,

[Read and]

Voted, That the Sum of Three Pounds ten Shillings and eight Pence be paid out of the Treasury to Cap^t Prescott, for the use of the Petitioner in full. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
617. Mass.
Archives,
lxxix., 397.

Mass.
Archives,
lxxix., 394.
House Jour-
nal, p. 225.

CHAPTER 309.

ORDER GRANTING TO AMOS ROGERS LICENCE TO SELL STRONG DRINK.

A PETITION of Amos Rogers of marshfield Setting forth That there is no Retailer in that part of the Town in which he lives, that there is a necessity of one Praying the General Sessions of

Legislative
Records of the
Council, xxiii.,
618.

House Journal, pp. 127, 227.

the Peace for the County of Plymouth may be impowered at their next Sessions to grant him a License to Retail Spirituous Liquors,
Read and

Ordered that the Justices of the General Sessions of the Peace for the County of Plymouth be allowed if they see Cause to grant the Petitioner a License the remaining part of the year, the time for granting Licenses being elapsed Notwithstanding. [*Passed January 30.*]

CHAPTER 310.

ORDER ALLOWING £4 TO EDWARD BACON.

Legislative Records of the Council, xxiii., 618. Mass. Archives, xxxiii., 156.

Mass. Archives, xxxiii., 156. Legislative Records of the Council, xxiii., 476. House Journal, p. 227.

A PETITION of Edward Bacon of Barnstable Setting forth That in obedience to an order of the Board in December 1760. directing his attendance at the General Court the 7: of January 1761, to make answer to a complaint made by Reuben Cognihew a South Shoar Indian, against the English, he attended Praying an allowance for his Trouble and Expençe,

Read and

Ordered that the Sum of four pounds be paid out of the publick Treasury to the Pet' in full for the Service mentioned. [*Passed January 30.*]

CHAPTER 311.

VOTE IMPOWERING WILLIAM STICKNEY, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxiii., 618.

House Journal, p. 224. Province Laws, ii., 151, chap. 10.

A PETITION of William Stickney of Billrica, Guardian to Roger Toothaker, son of Doct' Roger Toothaker late of Billrica deceased Setting forth That Doct' Roger Toothaker late of Billrica deceased, Grand father to the said minor in his life time gave the said minor a Deed of about twenty one Acres of land lying in Tewksbury in the County of middlesex, and at the same time Obliged his son the Father of the said minor, to lay out what said Land would fetch, to help bring him up to Learning, but made no Provision for the sale of said Land Praying he may be impowered in his said Capacity to make Sale of the said Twenty one Acres of land, that the said minor may go forward with his Learning.

[Read and]

Voted That the Prayer of the Petitioner William Stickney, Guardian to Roger Toothaker a minor, be granted, and the said William in said Capacity be, and he is hereby impowered to make Sale of the twenty one Acres of Land mentioned in said Petition, and make and Execute a good Deed or Deeds there of; the said Guardian observing the directions of the Law relating to Sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Middlesex to apply the monies arising by such Sale to the purpose mentioned in said Petition. [*Passed January 30.*]

CHAPTER 312.

ORDER REFERRING ALL UNFINISHED MATTERS.

Ordered that all matters which have day at this Session and shall not be passed upon shall have the same day at the next Sitting of this Court. [*Passed January 30.*]

Legislative
Records of the
Council, xxiii.,
619.

House Jour-
nal, p. 227.

CHAPTER 313.

VOTE ADDING M^r FLUCKER, M^r TYLER AND SAMUEL WATTS, ESQ, TO THE COMMITTEE APPOINTED TO EXAMINE MUSTER ROLLS.

In the House of Representatives;

Voted that M^r Flucker and M^r Tyler be added to the Committee appointed the Third Instant to Examine muster Rolls &c^a

In Council Read and Concurred and Samuel Watts Esq^r is added to the Committee.¹ [*Passed January 31.*]

Legislative
Records of the
Council, xxiii.,
620.

House Jour-
nal, pp. 146, 230.
Ante, p. 639,
chap. 160.

CHAPTER 314.

ORDER IMPOWERING REBECCA KING, ADM^x, TO SELL LAND.

A PETITION of Rebecca King of Sheffield Widow, and Administratrix on the Estate of Asahel King late of Sheffield deceased Setting forth That her husband died leaving a Numerous family of Young Children unable to support themselves of which she was appointed Guardian. that she was Obligated to support said Children some time out of said deceaseds Estate, that all the Children being Young no Division of said Estate has been made, and the same now lays in Common among the heirs, and that Reuben King and Asahel King two of said minors have since deceased the Judge having allowed her for Guardianship of said Reuben and support of him &c^a Twenty three pounds ten shillings and six pence, and for the same for said Asahel deceased Twenty three pounds eleven shillings and seven pence three farthings, yet as no particular part of the Real Estate was set off in Severalty, to either of said minors, The Honourable the Justices of the Superior Court to whom she applied at Springfield in September last determined they could not grant her liberty to sell any part of said Real Estate on account of supporting said minors, that the debts due from said deceaseds Estate also amounting to the sum of Seven pounds sixteen shillings and nine pence, more than the personal Estate of said Asahel was appraised at Praying she may be empowered to sell a Lott of Eight Acres lying at the South, end of the meadow,

Read and

Ordered that the Prayer of the foregoing Petition be granted and that the said Rebecca King in her said Capacity of Administratrix be Impowered to make Sale of the Eight Acres of land mentioned

Legislative
Records of the
Council, xxiii.,
620.

House Jour-
nal, pp. 228, 229.
Province
Laws, ii., 151,
chap. 10.

¹ No concurrence by the House found.

in said Petition for the most the same will fetch, and to give a good Deed or Deeds Executed according to Law for conveying the same, she observing the directions in the Law for the Sale of Lands by Executors and Administrators, and give Sufficient caution to the Judge of Probate for the County of Hampshire to account for the proceeds of said Sale according to Law. [*Passed January 31.*]

CHAPTER 315.

ORDER APPOINTING TRUCKMASTERS.

Ordered that Col^o Prebble and Captain Lithgow be directed to carry on the Truck Trade at the Forts where they are stationed; till the further order of this Court, not exceeding one Year, and that the Law relating to that affair be sent them for their direction therein. [*Passed January 31.*]

Legislative
Records of the
Council, xxlii.,
621.

House Jour-
nal, p. 230.
Province
Laws, iv., 404,
chap. 17; 448,
note. *Ante*,
p. 691, chap.
281.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-FIFTH DAY OF MARCH, A.D. 1761.

CHAPTER 316.

VOTE ALLOWING £2. 10 TO EZRA WINSLOW.

ON THE PETITION of Ezra Winslow; a Soldier in the pay of the Province in the Year 1757 in Col^o Fryes Regiment, praying an allowance for his Sufferings in the Service.

Voted that the Petition of Ezra Winslow be revived; and that the Sum of Two Pounds ten shillings be paid out of the public Treasury to M^r Bowers for the use of the Petitioner in consideration of his expences mentioned. [*Passed March 26.*]

Legislative
Records of the
Council, xxiii.,
631^a.

Legislative
Records of the
Council, xxiii.,
345. House
Journal,
pp. 205, 347
(1759–60);
pp. 253, 255.

CHAPTER 317.

VOTE CHOOSING COLLECTORS OF EXCISE FOR ALL COUNTIES.

COL. CLAP from the House came up with a Message from the House to inform the Board, that they were ready to proceed to the choice of collectors of Excise, as had been agreed by the two Houses; whereupon the Board appointed Samuel Watts, Ichabod Plaisted and Nath^l Sparhawk Esq^{rs} to join with such Committee as the House should appoint in sorting and counting the Votes. The Votes being accordingly brought in, sorted and counted, it appear'd that the following Persons were chosen by a major Vote of the Electors, to all which his Excellency signed his consent and commissioned them accordingly: viz^t

Legislative
Records of the
Council, xxlii.,
631^a.

House Jour-
nal, pp. 256, 258,
259. Province
Laws, iv., 354,
note.

For the county of Suffolk
For the county of Essex
For the county of Middlesex
For the county of Hampshire
For the county of Worcester
For the county of Plymouth
For the county of Barnstable
For the county of Bristol
For the county of York
For the county of Dukes county
For the county of Nantucket
For the county of Cumberland
For the county of Lincoln

M^r Thomas Fletcher
Daniel Epes Jun^r Esq^r
M^r John Remington
M^r Gad Lyman
Gardner Chandler Esq^r
M^r Nathaniel Little
Nathaniel Stone Esq^r
M^r Seth Williams jun^r
M^r Daniel Clarke
M^r Jonathan Allen
M^r Obed Hussey
M^r William Livermore
M^r Jonathan Bowman.

[*Passed March 26.*]

CHAPTER 318.

ORDER ADJOURNING THE INFERIOR COURT OF COMMON PLEAS AND
GENERAL SESSIONS OF THE PEACE OF YORK COUNTY.

Legislative
Records of the
Council, xxiii.,
634.

House Jour-
nal, p. 262.
Province
Laws, iii., 64,
chap. 32.

WHEREAS the Inferior Court of Common Pleas and Court of General Sessions of the Peace is by Law to be held at York in and for the County of York on the first Tuesday of April next. And whereas divers Justices of said Court are Members of the Great and General Court now sitting, And the important Affairs of the Province require their attendance. Wherefore

Orderd that the said Court be and hereby is adjourned to Tuesday the 28th day of April next; and that all matters and things that might have day at said Court on the first Tuesday of April aforesaid shall be heard and tried on the 28th day of said Month, and that all Officers and other Persons concerned in said Court conform themselves accordingly. [*Passed March 28.*]

CHAPTER 319.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE CHAP-
AQUIDIC INDIANS IN REGARD TO THEIR RIGHTS AND INTERESTS IN
THE ISLAND.

Legislative
Records of the
Council, xxiii.,
635.

House Jour-
nal, p. 263.
Province
Laws, ix., 318,
chap. 108;
xiii., 421, chap.
150.

A PETITION of a Number of Indians, Natives and Inhabitants of the Island of Chapaquidic in Dukes County Setting forth That in the Year 1715, a settlement was made between them and the English Inhabitants respecting their several Rights and Interests and confirmed by the General Court, and among other things it was agreed and orderd that the then Sachem and his People and his Posterity should ever after jointly hold possess and enjoy the soil of said Island never to be alienated without the Consent of this Government; notwithstanding which the English have since made clandestine purchases of the Sachem and his Descendants till they have got near half the Island; by means whereof they are involved in great difficulties and praying that all such clandestine purchases may be set aside, or that they may be otherwise relieved.

In the House of Representatives

Read and

Orderd that Mr Foster and Cap^{tn} Howard with such as the honourable Board shall join be a Committee to repair to the Island within mention'd, hear the Parties and report what they judge proper for this Court to do thereon.

In Council read and Concurred and William Brattle Esq^r is joind in the Affair. [*Passed March 28.*]

CHAPTER 320.

VOTE GRANTING TO DAVID OSGOOD LICENCE TO KEEP AN INN.

A PETITION of David Osgood of Billerica in the County of Middlesex Setting forth that he hath for thirteen Years past kept a Tavern in said Town, and renewed his Licence for that purpose last May; but hath since purchas'd a more commodious House for the business at about seventy Rods distance. And praying He may be allowed to keep a Tavern in said House the remaining part of the Year, upon his complying with the Rules in such case prescribed by Law.

Upon reading the afore going petition

Voted that the prayer of the s^d Petition be granted, & that the Petitioner be allowed to keep a House of publick Entertainment in the House that he hath late¹ purchased of Thomas Danforth for & during the time he is Licenced for, provided he Recognize before two Justices of the Peace for the County of Middlesex (Quorum unus) according to Law within Twenty Days from this Time for his keeping good Rule and Order, & duly paying the Excise &c. [*Passed March 28.*]

Legislative
Records of the
Council, xxiii.,
636. Mass.
Archives, cxi.,
484.

Mass.
Archives, cxi.,
483. House
Journal, p. 262.
Province
Laws, iv., 278,
chap. 13.

CHAPTER 321.

VOTE IMPOWERING JOSEPH SERGEANT, ADM^r, TO SELL REAL ESTATE.

A PETITION of Joseph Sergeant of Leicester in the County of Worcester Administrator of the Estate of Joseph Sergeant late of Malden deceased, Hannah Sergeant, Widow of said deceased, David, Ezra, & Phoebe, Children of the deceased, & Jabez Burditt Guardian to a Grandchild of the deceas'd.

Setting forth, That the deceased died seized of a House and Land in Malden appriz'd at One hundred Pounds. That the House and Fences are so out of Repair, as would require One half of the Amount to render the Estate tenantable. that the Parties have agreed as to the Widows right of Dower, and praying that they may be impowered to make Sale of the Estate.

[Read and]

Voted that the Prayer of this Petition of Joseph Sergeant and Others be granted, and that the said Joseph in his said Capacity of Administrator on the Estate of said Joseph Sergeant deceased be and hereby is authorized and impowred to make Sale of the Real Estate of the said Joseph Sergeant deceas'd for the most the same will fetch, and to make and execute a good deed or deeds in law for conveying the same. Provided he first give caution to the Judge of Probate for the County of Middlesex to account for the Proceeds of said Sale according to Law, and to observe the directions in the Law relating to the Sale of Real Estates by Exec^{rs} and Admin^{rs}. [*Passed March 30.*]

Legislative
Records of the
Council, xxiii.,
637.

House Jour-
nal, pp. 261, 267,
268. Province
Laws, ii., 151,
chap. 10.

¹ Sic.

CHAPTER 322.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
638. Mass.
Archives,
lxxix., 617.

House Jour-
nal, pp. 263, 264.

In the House of Representatives

The House took Under Consideration Sundry petitions of Sick & wounded Soldiers & thereupon the following Votes passed viz

Voted that the sum of five pounds be paid out of the publick Treasury To Doct^r Porter for the use of Sam^l King in full

To Roger Stevens the Sum of Three pounds 15/4 in full

To Cap^t Jonas Prescot for the use of Eleazer Taylor the Sum of five pounds twelve shillings in full

To Cap^t Benj^a Milliken for the use of Daniel Thurston the sum of Ten pounds four Shillings in full

To Maj^r Hartwell for the use of Caleb Sawyer Two pounds In full

To Maj^r Edw^d Hartwell for the Use of Ruth Fowler widow of Richard Fowler One pound ten shillings in full

To Cap^t Benj^a Milliken for the Use of Nath^l Greenough the Sum of Three pounds 19/4 in full

To Cap^t Eben^r Sprout for the use of Joshua Willis the sum of Ten pounds in full

To Col John Jones for the use of W^m Stacey & Daniel Giles Each five pounds

To Col Jos Buckminster for the use of Peter Gallot Two pounds Six Shillings In full

To M^r Tho^s Lancaster for the use of John Johnson One pound Ten Shillings in full

To M^r Tho^s Lancaster for the use of Ebenezer Hidden One pound five Shillings in full

To Cap Jonathan Metcalf for the use of Ephraim Graves Six pounds five Shillings In full

To M^r Rich^d Baily for the use of W^m Wright the Sum of Two pounds fourteen shillings Exclusive of the Doct^{rs} Bill

To Cap^t Jonathan Metcalf for the Use of Elis^a Witherby wid^o to James Witherby the Sum of Eight pounds Ten shillings In full

In Council

Read & Concurr'd. [*Passed March 30.*]

CHAPTER 323.

ORDER IN REGARD TO THE SETTLEMENT OF SUTLERS ACCOUNTS WITH SOLDIERS.

Legislative
Records of the
Council, xxiii.,
637.

Legislative
Records of the
Council, xxiii.,
632. House
Journal, pp. 52,
257, 273. *Ante*,
p. 468, chap.
264.

Ordered that the Persons concerned in making Supplies to the several Regiments serving Westward the last Year either by themselves or Attorneys attend the Committee appointed to examine such sutling Accounts and that said Committee determine the proportion of each Sutler of the Sum payable on each Roll, and that the determination of this Committee be the Rule for the Treasurer to make payment of such Sum.

But notwithstanding the determination of said Committee no Soldier or others charged by any Sutler on any Roll shall be precluded from contesting the Articles or Account exhibited, and allowed in such Roll at Common Law, if he or they see fit. [*Passed March 31.*]

CHAPTER 324.

VOTE IMPOWERING AZUBA ADAMS, ADM^N, TO EXECUTE A DEED OF TEN ACRES OF LAND, ALSO VOTE GRANTING TO AZUBA ADAMS LICENCE TO KEEP AN INN.

A PETITION of Azuba Adams of Springfield Widow Setting forth That her late Husband Abraham Adams had contracted with Daniel Grainger of said Springfield, and given him an obligation to make him a Deed of ten Acres of Land, but died before said Deed was executed. And praying that She may be impowered to execute said Deed. Also praying that she may be impowered to sell spirituous Liquors in the said deceased's dwelling House, who at the time of his decease had a Licence for that purpose.

[Read and]

Voted that the Prayer of this Petition of Azuba Adams be granted. And that the said Azuba in her Capacity of Administratrix on the Estate of her deceased Husband Abraham Adams be & hereby is authorized and impowered to make and execute a good and sufficient deed in the Law for conveying the said ten Acres of Land to the said Dan^l Grainger according to the agreement and engagement of her deceased Husband.

Also

Voted that the said Azuba Adams be allow'd to keep a Tavern in the House in Springfield of her late Husband Abraham Adams during the Term he was licens'd for. Provided She recognize before two Justices in the County of Hampshire (Quorum Unus) according to Law within thirty days from this time to keep good Rule and order, and duly paying the Excise. [*Passed March 31.*]

Legislative
Records of the
Council, xxiii.,
639.

House Jour-
nal, pp. 262, 268,
269.

CHAPTER 325.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF SOLDIERS WHO DIED IN THE LAST CAMPAIGN, TO THEIR WIDOWS.

Voted that the province Treasurer be & hereby is directed to pay to the widows of those Soldiers who died in the Last Champain¹ or after their return home the wages respectively due to such Deceased Soldiers as born on the several Rolls the S^d Widows to be always accountable when administration is taken on any of S^d Soldiers Estates. [*Passed March 31.*]

Legislative
Records of the
Council, xxiii.,
640. Mass.
Archives,
lxxix., 618.

House Jour-
nal, p. 271.

CHAPTER 326.

VOTE IMPOWERING CAPT^N WILLIAM RICHARDSON TO DEMAND AND RECEIVE 1,500 ACRES OF LAND GRANTED THOMAS PLAISTED, AND TO LEASE THE SAME FOR ONE YEAR.

Voted that Cap^m William Richardson be directed and impowered in behalf of this Government to demand and receive from Timothy Mossman the possession of the fifteen hundred Acres of Land for-

Legislative
Records of the
Council, xxiii.,
640.

¹ *Sic.*

Legislative
Records of the
Council, xxiii.,
127, 128. House
Journal,
pp. 270, 271.
Province
Laws, xii., 221,
chap. 220.
Ante, p. 515,
chap. 353.

merly granted to Thomas Plaisted on certain Conditions which were not fulfilled by the said Plaisted, and since leased by the said Richardson in behalf of the Government to said Mossman, and that the said Cap^{tn} Richardson be also directed and empowered to lease the same for one Year to such Person and upon such Terms as he shall think proper. [*Passed March 31.*]

CHAPTER 327.

ORDER ALLOWING £1.4.3 TO EBENEZER^R TUTTLE.

Legislative
Records of the
Council, xxiii.,
640. Mass.
Archives,
lxxix., 487.

House Jour-
nal, pp. 261, 272.

A PETITION of Ebenezer Tuttle of Montague a Soldier in the Pay of this Province under Major Hawks Praying that a mistake made in the Roll to his Prejudice may be rectified.

Read &

Ordered that the prayer of the Petition be Granted & that there be paid out of the province Treasury to M^r Fellows Billing for the Use of the pet^r the Sum of One pound four shillings & Three pence in full. [*Passed March 31.*]

CHAPTER 328.

VOTE IMPOWERING KEZIA SHED, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
640.

House Jour-
nal, pp. 261, 267.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Keziah Shed, Widow, Administratrix of the Estate of her late Husband Benj^a Shed jun^r late of Billerica deceased Intestate Setting forth That the said deceased died seized of a small House and about Ninety Acres of Land in said Town apprized at One hundred and Twenty Pounds: that the said Benj^a was in debt for said Land and otherwise the Sum of Sixty six pounds; that he dying of the small pox in Dec^r last introduced that distemper in the Family, by which means great charge and cost hath arisen. And praying for leave to sell the said Estate.

[Read and]

Voted that the Prayer of this Petition of Keziah Shed be granted: and that the said Keziah Shed in her Capacity of Administratrix on the Estate of her late Husband Benjamin Shed deceased is hereby authorized and empowered to make Sale of the said deceased's Real Estate for the most the same will fetch, and to make and execute a good and sufficient deed or deeds in the Law for conveying the same. Provided She first give sufficient caution to the Judge of Probate for the County of Middlesex, that two thirds of the proceeds of said Sale shall be improv'd in paying the deceased's just debts so far as is needful, and the remainder if any there be, to account with the Judge according to law; and that the other third part after the s^d Widows decease shall return to the proper Heirs of the said deceased She observing the directions in the Law for the Sale of Real Estates by Executors and Administrators. [*Passed March 31.*]

CHAPTER 329.

VOTE GRANTING TO NOAH WYMAN LICENCE TO KEEP AN INN.

A PETITION of Noah Wyman of Woburn in the county of Middlesex Setting forth that he hath lately purchased a House at Wilmington which hath for some Years past been licens'd as a public House. and praying that the Court of General Sessions of the Peace for said county may be empowered at their next Sessions to grant him a License to keep Tavern in said House.

Legislative
Records of the
Council, xxiii.,
641. Mass.
Archives, cxi.,
481.

House Jour-
nal, p. 263.

Upon reading the above Petition,

Voted, that the prayer of the Petition be granted, and that the said Noah Wyman be Allowed to keep a House of publick Entertainment in the House he hath lately purchased of Giles Alexander. in Wilmington, until the Time of granting Licenses in the s^d County, he Recognizing as the Law directs before two Justices of the Peace for said County, Quorum Unus, within fifteen Days next or before the Justices of the Court of General Sessions of the Peace for the County of Middlesex, on the third Tuesday of may next at Cambridge, for keeping good Rule & Order in the s^d House, & duly paying the Excise; he producing the Approbation of the Select-men of said Town, the Time of granting Licences being elapsed notwithstanding. [*Passed March 31.*]

CHAPTER 330.

ORDER IMPOWERING DAN^L MOULTON AND JONATHAN SAYWARD, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Moulton and Jonathan Sayward, Guardians of the Children of John Adams and Richard Adams, both of York deceased, and Grandchildren of Samuel Adams of said York deceased Setting forth that in the distribution or division of said Samuels Real Estate, there was set off to the Heirs of the said John then dec^d a Strip of Land part of his homestead of a Mile in length and about three or four Rods wide: and another such strip to the Heirs of the said Richard then also deceased. That the Heirs of said John have also an Acre more of the homestead and two Rights in the Commons; and said Richard's Heirs two more such Rights, lying in three different places of the commons, two places of which contain but an Acre to a share, all which Outlands are, and must remain very unprofitable, nor are the Incomes of the Homestead any way equal to the Interest of the money they would sell for, and praying Leave to sell the said Lands, the proceeds whereof to be improv'd for the benefit of their respective Wards.

Legislative
Records of the
Council, xxiii.,
642.

Legislative
Records of the
Council, xxiii.,
503. House
Journal,
pp. 108, 127, 273.

Read and

Orderd That the Petitioners be, and they hereby are empowered to make Sale of the Lands therein mention'd belonging to said Minors, and to make and execute a good deed or deeds for the same, they first giving caution to the Judge of Probate for the county of York that the proceeds arising by said Sale be improved for the benefit of their several Wards. [*Passed April 1.*]¹

¹ Legislative Records of the Council, xxiii., 503, gives a similar record under date of December 27, 1760.

CHAPTER 331.

VOTE ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiii.,
643.

House Jour-
nal, p. 277.
Ante, p. 146,
chap. 336.

WHEREAS the Inferior Court of Common Pleas and Court of General Sessions of the Peace for the county of Plymouth is by Law to be holden at Plymouth on the first Tuesday of April current, and whereas divers of the Justices of the said Courts and others concerned are Members of the General Court, and the important Affairs of the Province require their attendance at the General Court. Therefore

Voted That the said Inferior Court of Common Pleas and Court of General Sessions of the Peace be and hereby are adjourned to Tuesday the Twenty first day of April current, and all matters and things that might have had day at said courts on the first Tuesday of April shall have day and be heard and proceeded upon on the said Twenty first day of April in like manner as if there had been no adjournment of said courts. [*Passed April 1.*]

CHAPTER 332.

ORDER ALLOWING £2. 6. 2 TO ISRAEL HOLTEN.

Legislative
Records of the
Council, xxiii.,
644. Mass.
Archives,
lxxix., 622.

Mass.
Archives,
lxxix., 622.
House Jour-
nal, pp. 270, 276.

A PETITION of Israel Holten of Spencer, a Soldier in the Pay of the Province in 1760 Praying an Allowance for thirty six days he was made up short in the Muster Roll.

Read &

Ordered that the prayer of the petition be Granted & that there be allowed & paid out of the publick Treasury the Sum of Two pounds Six shilling & two pence to Cap^t Benj^a Tucker for the use of the petitioner in full for his Wages as Mentioned in the petⁿ. [*Passed April 1.*]

CHAPTER 333.

ORDER ALLOWING £2. 15. 4. TO JOHN CATON.

Legislative
Records of the
Council, xxiii.,
645. Mass.
Archives,
lxxix., 518.

Mass.
Archives,
lxxix., 518.
House Jour-
nal, pp. 268, 275.

A PETITION of John Caton a Soldier the last Year in Cap^{tn} Wentworths company of Col^o Thomas's Regiment, Praying an allowance for one month and a half he was made up short in the Muster-Roll.

Read &

Ordered that the prayer of the petition be granted & that there be allowed & paid out of the publick Treasury the Sum of Two pounds fifteen shillings & four pence to M^r John Bradbury in full for the use of the petitioner. [*Passed April 1.*]

CHAPTER 334.

ORDER ALLOWING £5. 18. 4 TO ROBERT CONNELLY.

A PETITION of Robert Connelly of Marblehead a Soldier in the Pay of the Province, Praying an allowance for the time he was made up short in the Muster Roll, and for his care and trouble attending some of the Soldiers sick of the small pox.

Read &

Ordered that the prayer of the petition be so far granted that there be allowed & paid out of the publick Treasury to the petitioner the Sum of Five pounds Eighteen shillings & four pence In full for the time he was detained Nursing the Sick. [*Passed April 1.*]

Legislative
Records of the
Council, xxiii.,
645. Mass.
Archives,
lxxix., 610.

House Jour-
nal, pp. 268, 275,
276.

CHAPTER 335.

VOTE IMPOWERING JOHN WARREN AND OTHERS, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

A PETITION of John Warren and others, Guardians of Solomon, Jonathan, Lucy, and Esther Wheeler Children of Abijah Wheeler late of Weston deceased Setting forth That the said Childrén, have had, set off, and assigned to them their Portions in their deceased Fathers Estate, in Lands and Buildings, whose respective Shares are so small, and so inconvenient for a separate improvement, that they pray they may be impowered in their Capacity as Guardians aforesaid to join in the Sale of the several Interests belonging to said Minors

[Read and]

Voted, that the Prayer of the Petition of John Warren and others be granted, And that the said John Warren, Ebenezer Hobbs, and Tabitha Wheeler in their capacity of Guardians to the said Solomon Jonathan, Lucy and Esther Wheeler be and hereby are authorized and impowered, to make Sale of the Real Estate of the said Solomon, Jonathan, Lucy and Esther Wheeler for the most the same will fetch, and to make and execute a good and sufficient deed or deeds in the Law for conveying the same. Provided they first give caution to the Judge of Probate for the County of Middlesex that the proceeds of said Sale be let out to Interest, and that both Principal and Interest shall be paid to each of the respective Minors as they arrive to lawful Age to receive the same, or to their legal Representatives, and observe the directions in the Law relating to the sale of Real Estates by Executors and Administrators. [*Passed April 1.*]

Legislative
Records of the
Council, xxiii.,
645.

House Jour-
nal, pp. 261, 273.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 336.

VOTE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO SETTLE AN ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
646.

House Jour-
nal, pp. 257, 269,
275.

A PETITION of Ebenezer Bird of Dorchester Setting forth That his Father by Will Orderd his Real and Personal Estate to be equally divided between his six children. That the Personal Estate is sunk in Debts and charges. That the Real Estate consists of a House but one Room on a Floor and two Stories and about one Acre and a quarter of Land, and so is incapable of a division. And praying that the Judge of Probate for the county of Suffolk may be impowered to settle the Estate on the Petitioner, as he might by Law have done if his Father had died Intestate.

[Read and]

Voted that the Prayer of the Petitioner be granted: and the Judge of Probate for the County of Suffolk is impowered hereby to settle the Real Estate mention'd in the Petition upon the Petitioner in like manner as if his Father had died Intestate, he giving sufficient security to the said Judge to pay to the other Children mention'd in the Petition their respective shares of the Value of the same Estate in such proportion as devised by the Testator. [*Passed April 1.*]

CHAPTER 337.

ORDER ALLOWING £8 TO ZOHETH JOHNSON.

Legislative
Records of the
Council, xxiii.,
646. Mass.
Archives,
lxxix., 307.

Mass.
Archives,
lxxix., 305.
House Jour-
nal, pp. 110, 276.

A PETITION of Ezra Beman of Shrewsbury: Setting forth That his Servant Zoheth Johnson was a Soldier in the pay of the Province in Col^o Frye's Regiment in 1757, and then taken captive and carried to Quebec, where he remained till the place was taken, and from thence was sent to England with an Officer that was wounded, and did not return home till June 1760. & praying an Allowance.

Read &

Ordered that the prayer of the petition be so far granted that there be allowed & paid out of the publick Treasury to Cap^t W^m Richardson for the use of Zoah Johnson Servant to the petitioner the Sum of Eight pounds in full for his S^d Zoah[s] Sufferings & Captivity. [*Passed April 1.*]

CHAPTER 338.

ORDER ALLOWING £3 EACH TO ISAAC WESTON, EDWARD DOTEN AND JOSHUA PRATT.

Legislative
Records of the
Council, xxiii.,
647. Mass.
Archives,
lxxix., 296.

House Jour-
nal, p. 280.
Ante, p. 247,
chap. 89.

A PETITION of Isaac Weston Edward Doten and Eunice Pratt in behalf of Joshua Pratt, said Isaac Edward and Joshua all having been in the Service in the Year 1758 under Cap^{tn} Gam^l Bradford, and had each of them three Pounds stopt from their Wages for not returning their Guns, when in fact they were delivered into the Kings Stores at Albany. And praying an allowance.

Read &

Ordered that the Prayer of the petition be granted and that the Sum of three pounds be paid out of the publick Treasury to each of the petitioners It appearing they returned their arms into the Kings Stores at Albany. [*Passed April 2.*]

CHAPTER 339.

ORDER ALLOWING £3 TO NATH^L RIDER.

A PETITION of Nathaniel Rider setting forth That his Son Moses Rider, a Soldier in Col^o Dotys Regiment in the Year 1758 return'd his Gun at Fort Stanwix, notwithstanding which there was Three Pounds deducted from his Wages on Account of said Gun. and Praying an allowance.

Read &

Ordered that the prayer of the petition be granted & that there be allowed & paid out of the publick Treasury the Sum of Three pounds to Nath^L Stone Esq^r for y^e use of the petitioner it appearing his Son Moses Rider returned his arms into the Kings Stores at Fort Stanwix. [*Passed April 2.*]

Legislative
Records of the
Council, xxiii.,
647. Mass.
Archives,
lxxix., 623.

Mass.
Archives,
lxxix., 623.
House Jour-
nal, pp. 252, 278.
Ante, p. 247,
chap. 89.

CHAPTER 340.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO W^M REED, ESQR, THE WAGES DUE THOMAS BLODGETT.

A PETITION of William Reed of Lexington in behalf of said Town Setting forth That one Thomas Bloggett of said Town hath absconded, leaving a Wife and a Number of Children who are supported at the expence of the Town; and hath left no Estate behind him except some Wages due to him from the Province. And praying that such Wages may be paid to the Overseers of the Poor of the Town of Lexington for the Relief of the said Bloggetts Family.

Read and

Orderd That the Prayer of this Petition be granted: and the Province Treasurer is hereby directed to pay unto William Reed Esqr the Wages due to Thomas Bloggett on Cap^{tn} Clapham's Muster-Roll and by said William to be employed for the Relief and Support of said Bloggetts Family, He to be accountable to the Town of Lexington for his faithful disposal of said money. [*Passed April 2.*]

Legislative
Records of the
Council, xxiii.,
648.

House Jour-
nal, pp. 272, 283.

CHAPTER 341.

ORDER IMPOWERING JOHN STEARNS, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Stearns of Coldspring in the County of Hampshire, Administrator of the Estate of his Father Ebenezer Stearns deceased, Setting forth That the deceased's whole Estate

Legislative
Records of the
Council, xxiii.,
648.

House Jour-
nal, pp. 271, 281.

Real and Personal doth not exceed the Amount of his debts more than Eleven Pounds 14/4½. and Praying that he may be impowered to sell the whole Estate in order to pay the deceased's just debts.

Read and

Ordered That the Prayer of the Petition be so far granted that the Petitioner in his Capacity of Administrator be and hereby is impowered to make Sale of the whole Real Estate that Ebenezer Stearns within mentioned died seized of for the most the same will fetch, and to make and execute a good Deed or Deeds in the Law for conveying the same, he observing the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, giving sufficient caution to the Judge of Probate for the County of Hampshire, that the proceeds arising by the Sale be applied for the payment of the just debts of the said deceased; and if any Sum remain after the just debts are paid, the remainder be divided to and among the Heirs of said deceased according to Law. [*Passed April 2.*]

CHAPTER 342.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF PLYMOUTH
AND ALLOWING £1. 10. 5 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiii.,
650.

House Jour-
nal, p. 279.
Ante, p. 687,
chap. 267.

A REPORT of the Committee appointed to farm out the Excise on Tea, Coffee and China Ware in the County of Plymouth, that they had sold the same to M^r Will^m Rand of Kingston for the Sum of Sixty seven Pounds fifteen Shillings. And praying an allowance of their Charges.

Read and

Ordered That the above Report be accepted, and that there be allowed and paid out of the public Treasury to the Committee the Sum of One Pound ten Shillings and five pence in full discharge of their time and expences. [*Passed April 2.*]

CHAPTER 343.

ORDER ALLOWING £8 TO HENRY PATTIE.

Legislative
Records of the
Council, xxiii.,
650. Mass.
Archives,
lxvi., 132.

Mass.
Archives,
lxvi., 131.
House Jour-
nal, p. 283.

A PETITION of Henry Pattie, Quarter Master on board the Snow Prince of Wales (belonging to this Province) at the time She was taken by the Enemy Praying an allowance for his Sufferings and Loss of time.

Read &

Ordered that the prayer of the petition be So far granted that there be Allowed & paid out of the publick Treasury to the petitioner the Sum of Eight pounds in full for his Sufferings & Captivity within mentioned. [*Passed April 2.*]

CHAPTER 344.

ORDER ALLOWING £8 TO JOHN LOVELL.

A PETITION of John Lovell Praying an Allowance for his Son's (Joseph Lovell) Sufferings and Loss of time, who was a rated Midshipman aboard the Province Snow Prince of Wales when she was taken by the Enemy and carried into Louisbourg, from whence he was sent a Prisoner to France.

Read &

Ordered that the prayer of the petition be so far granted that there be allowed & paid out of the publick Treasury to the petitioner John Lovell the Sum of Eight pounds In full for his Son Joseph Lovell Sufferings & Captivity taken from on board the province Snow prince of Wales. [*Passed April 2.*]

Legislative
Records of the
Council, xxlii.,
650. Mass.
Archives,
lxvi., 111.

Mass.
Archives,
lxvi., 110.
House Jour-
nal, p. 272.

CHAPTER 345.

ORDER ALLOWING £8 TO MARY CASEY.

A PETITION of Mary Casey Wife of Thomas Casey of Boston Praying an allowance for her said Husbands loss of Time, and sufferings, he being a Mariner aboard the Province Snow Prince of Wales when she was taken, and being sent from Louisbourg to France.

Read &

Ordered that the prayer of the petition be So far Granted that there be allowed & paid out of the publick Treasury the Sum of Eight pounds to the petitioner in full for her Husband Tho^s Caseys Sufferrings & Captivity being taken on board the Snow prince of Wales & Carried to France. [*Passed April 2.*]

Legislative
Records of the
Council, xxlii.,
651. Mass.
Archives,
lxvi., 121.

Mass.
Archives,
lxvi., 120.
House Jour-
nal, pp. 276, 283,
284.

CHAPTER 346.

VOTE GRANTING TO BENJ^A FURNASS LICENCE TO KEEP AN INN.

A PETITION of Benjamin Furnass Setting forth That he hath lately purchased a House in the Town of Shrewsbury which hath for a long time been improved as a Tavern. And Praying that the Court of General Sessions of the Peace for the County of Worcester at their next sitting may be impowered to grant him a License to keep a Tavern in said House.

[Read and]

Voted that the Prayer of the Petition be Granted and that the Justices [of] ¹ y^e Court of General Sessions of the Peace for the County of worcester be allowed if they See Cause to Grant the Petitioner a license to keep a house of Publick Entertainment he first obtaining the approbation of the select men of said Town for that Purpose. The time For Granting Licenses being Elapsed not with Standing. [*Passed April 2.*]

Legislative
Records of the
Council, xxlii.,
651. Mass.
Archives, cxl.,
497.

Mass.
Archives, cxl.,
496. House
Journal, p. 283.

¹ Inserted from Legislative Records of the Council, xxlii., 651.

CHAPTER 347.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiii.,
653.

House Jour-
nal, p. 286.
Province
Laws, iii., 999,
chap. 16.
Ante, p. 712,
chap. 331.

WHEREAS the Superior Court of Judicature, Court of Assize and general Goal Delivery is by Law to be held at Plimouth in and for the County of Plimouth upon the last Tuesday of April Instant: and as the Great and General Court in their pressent Session have adjourned the Inferior Court of Common Pleas which by Law is to be held in the said County of Plimouth upon the first Tuesday of April Instant to the third Tuesday of said April which makes it greatly inconvenient that said Superior Court should be held at the usual time in said County.

Therefore

Order'd That the superior Court of Judicature, Court of Assize and general Goal delivery which by Law is to be held at Plimouth upon the last Tuesday of April Instant shall be held at said Plimouth for the same County on the second Tuesday of May next and not before: and the Justices of said Court shall and may then and there proceed to hear and try all causes and enter up Judgement and award Execution in the same manner, as if said Court had been held at the time fixed by Law for holding the same. And all Appeals with Recognizances Processes and matters that by Law ought to have come before or been entered in said Court on the last Tuesday of said April in the present year are hereby adjourned and continued to said second Tuesday of May next and shall then have day in Court accordingly. [*Passed April 3.*]

CHAPTER 348.

ORDER ALLOWING £8 TO ANN & ELIZ^A JOHNSON, EXECUTORS.

Legislative
Records of the
Council, xxiii.,
654. Mass.
Archives,
lxvi., 123.

Mass.
Archives,
lxvi., 122.
House Jour-
nal, p. 274.

A PETITION of Ann Johnson and Elizabeth Johnson Executors of the last Will and Testament of William Pike late of Boston Mariner Setting forth That the said Will^m Pike was a Sailor on board the Province Snow Prince of Wales when she was taken by the Enemy; that he was carried to France and there died, and Praying they may receive the usual allowance made to such Sailors.

Read &

Ordered that the prayer of the pet^a be so far granted that there be allowed & paid out of the publick Treasury to the petitioners the Sum of Eight pounds In full for S^d W^m Pikes Sufferings & Captivity. [*Passed April 3.*]

CHAPTER 349.

VOTE ALLOWING £8. 18. 8 TO NATH^L COUSINS.

A PETITION of Nathaniel Cousins of Wells, a Soldier in the Pay of the Province in Cap^{tn} Simon Jefferd's Company Praying an allowance of the charge of his Sickness having had the small pox upon his return home, whereby he and the Family were put to great Expence.

Read &

Voted that there be allowed & paid out of the Publick Treasury to the petitioner the Sum of Eight pounds Eighteen Shillings & Eight pence In full for his Charge & Expence of Sickness & for the time he was Detained at Crown point Longer than the other Forces. [*Passed April 3.*]

Legislative
Records of the
Council, xxiii.,
654. Mass.
Archives,
lxxix., 461.

Mass.
Archives,
lxxix., 461.
House Jour-
nal, pp. 279, 286.

CHAPTER 350.

ORDER IMPOWERING MARY GEORGE, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary George Administratrix of the Estate of her late Husband John George of Braintree deceas'd Setting forth that hav^g settled with the Judge of Probate there remains only £21.13.4 personal Estate. That she hath five young Children which she has supported with great difficulty for two years, without any allowance in her Account. That the Real Estate consists of thirty five Acres of Land and an half with little or no Fence, and under no improvement, and a dwelling House dropping down. And praying leave to make Sale of said Estate.

Read and

Orderd That the Prayer of the Petition be granted, and that the Petitioner in her said Capacity be, and she is hereby empowered to make Sale of the Real Estate of the deceased for the most the same will fetch, and to make and execute a good deed or deeds in the Law for conveying the same, she first posting up Notifications of the time and place of Sale agreeable to the Law relating to Executors and Administrators proceedings in the Sale of Real Estates, and giving caution to the Judge of Probate for the County of Suffolk, that the money arising by such Sale be applied as follows viz^t the Interest of one third part thereof to be for the use of the deceas'd's Widow during her Life, and at her Death to be divided in like manner as the said Estate would have been divided had it remained undisposed of, and the remaining two thirds to be put to Interest for the use and advantage and proper support of said Minors, and be put into the hands of their Guardian for that purpose. [*Passed April 3.*]

Legislative
Records of the
Council, xxiii.,
655.

House Jour-
nal, pp. 278, 285,
286.

Province
Laws, ii., 151,
chap. 10.

CHAPTER 351.

VOTE ALLOWING £4 TO JAMES COBHAM.

Legislative
Records of the
Council, xxiii.,
654. Mass.
Archives,
lxxix., 521.

Mass.
Archives,
lxxix., 520.
House Jour-
nal, pp. 264, 288.

A PETITION of James Cobham of New York Setting forth That at the desire of Thomas Goldthwait Esqr he supplied the Troops of this Province as a Sutler with many Articles which they could not have been so well accommodated with otherwise: and that he has been waiting now in Town seven weeks to get his Accounts settled. And Praying an allowance.

[Read and]

Voted that the prayer of this Petition (of John Cobham) be So far granted, That there be paid to the Pititioner Out of the Publick Treasury, The Sum of four Pounds for his Kinde Services to this Province in Paying their Troops at the westward the Last year.¹ [*Passed April 4.*²

CHAPTER 352.

ORDER ALLOWING £8 TO WM WARREN.

Legislative
Records of the
Council, xxiii.,
657. Mass.
Archives,
lxxix., 495.

House Jour-
nal, pp. 291, 292.

A PETITION of William Warren of Almsbury, Setting forth That being a Soldier in the Pay of the Province He was taken Prisoner at the Surrender of Fort William Henry & carried to Canada where he remained a Prisoner upwards of two Years. and Praying Relief.

Read &

Ordered that the prayer of the petition be so far Granted that there be Allowed & paid out of the publick Treasury to Col. Jonathan Bagley for the use of the petitioner the Sum of Eight pounds in full for his Captivity & sufferings. [*Passed April 4.*

CHAPTER 353.

ORDER ALLOWING £37. 3. 11 TO SAM^L BLODGET.

Legislative
Records of the
Council, xxiii.,
657.

House Jour-
nal, p. 290.

A PETITION of Samuel Blodget Setting forth that in the year 1758 He was appointed Quarter Master to Col^o Nichols's Regiment. That in August having occasion for a fresh supply of Stores for the Regiment he went to Albany to procure the same where meeting with several Parties of sick Soldiers he supplied them with fresh Meat and other necessaries, provided them Lodgements and Nurses and was desired by M^r Foye (a Person sent by the Government for the Relief of the Sick) to continue these Services, which he did to his own hurt, as Col^o Nichols was obliged by reason of his long absence to appoint another Quarter Master in his Room and praying Relief.

Read and

Order'd That the Petition within mention'd be revived: and that

¹ The final action on this petition not found in the House Journal.

² There is some confusion of dates here, Mass Archives lxxix., 521, giving the final action in Council as April 3, although it also states that the vote passed the House of Representatives on April 4.

there be allow'd and paid out of the public Treasury the Sum of Thirty seven Pounds three Shillings and eleven pence to the Petitioner in full for the time he expended and the charges he was at for the sick Soldiers of this Province at Albany in the Year 1758. [*Passed April 4.*]

CHAPTER 354.

VOTE GRANTING TO SAM^L LEE LICENCE TO KEEP AN INN.

A PETITION of Samuel Lee of Sheffield in the County of Hampshire Setting forth That he hath for divers Years past kept a house of public entertainment in said Town: that when he applied in August last for the renewal of his License (the Selectmen having recommended M^r Aaron Shelden as better situated for the business) he did not then obtain a License; but as said Shelden did not see cause to take out a Licence, there is now no House of public entertainment in the second Parish in Sheffield for the accomodation of Travellers, and Praying That the Court of general Sessions of the Peace for the County of Hampshire may be impowered at their Session in May next to renew the Petitioners License to keep a Tavern in Sheffield.

[Read and]

Voted That the prayer of the Petition be granted and that the Justices of the Court of General Sessions of the Peace for the County of Hampshire be & they hereby are Impowered at their Next sessions to grant to the Petitioner a Licence to Keep a Tavern In the Second parish In Sheffield he procuring the approbation of the Selectmen of Said Sheffield. [*Passed April 4.*]

Legislative
Records of the
Council, xxiii.,
658. Mass.
Archives, cxi.,
486.

Mass.
Archives, cxi.,
485. House
Journal, p. 293.

CHAPTER 355.

ORDER DIRECTING THE PROVINCE TREASURER TO REMIT £225 TO DON FRANCISCO CABRESAS, GOVERNOR OF MONTI CHRISTO.

Ordered that the province Treasurer be & he is hereby directed to Transmit by the first good Conveyance the Sum of Two hundred & twenty five pounds Lawful money to Don Francisco Cabresas Governour of MontiChristo in satisfaction for the Sum Advanced to Cap^t Peter Parker for the Relief of the province Troops who put into the Bay of MontiChristo in Distress and that S^d Sum be Insured & Sent at the Charge of the Goverment. [*Passed April 4.*]

Legislative
Records of the
Council, xxiii.,
659. Mass.
Archives,
lxxix., 634.

House Jour-
nal, pp. 276, 287,
297.

CHAPTER 356.

VOTES IN REGARD TO RAISING 3,000 MEN, WITH BOUNTY, ESTABLISHMENT OF PAY AND CLOTHING THEREFOR.

In the House of Representatives

THE House taking into Consideration his Excellency's Speech of the 25th of March Last; and his Message of the 26th of ye same month with the Papers accompanying them; containing a Requi-

Legislative
Records of the
Council, xxiii.,
659. Mass.
Archives,
lxxix., 636.

Legislative
Records of the
Council, xxiii.,
627, 630. House
Journal,
pp. 293–295.

sition from his Majesty to this Government to raise a Number of Forces, to be put under the Command of his Excellency General Amherst, to supply the Places of such Part of the Regular Forces in America as shall be drawn out from the several Forts and Garrisons, to be employed on some important Enterprize, came in to the following votes Viz^t

First, That the Captⁿ General Be desired to raise 3,000 Men of this Province, including Officers for the Purpose aforesaid; provided they can be raised by Inlistment only, to be put under the Command of his Excellency General Amherst, upon his giving Assurance that they shall not be employed Southward of Albany, and be discharged on the first Day of July, 1762: and if a Peace takes Place between England and France before that Time, that they shall be discharged immediately after such Peace.

(2) As an Incouragement for said Men to inlist, they shall receive £5.5.4 Each upon their passing Muster; and the Value of £3.14.8 more in Cloathing as is hereafter provided.

(3) y^t The Captⁿ General Be Desired to Form the said 3,000 Men into three Regiments; each Regiment to consist of ten Companies of 100 Men to each Company, including Officers.

(4) there shall Be Pay to No higher Provincial Officer than a Colonel y^t shall be appointed to command the said three Thousand Men, or any Part of them. One of which Denomination is Desired be appointed to each Regiment, also a Lieutenant Colonel, Major, Adjutant and a Quarter Master shall be appointed to each Regiment; and such Adjutants and Quarter Masters shall do Duty as Lieutenants in some of the Captains Companies.

(5) There shall be Payd but to four Commission Officers to one Hundred Men: Viz^t a Captain, two Lientenants and an Ensign.

(6) There shall be Payd but to one Drummer to a Company.

(7) There shall be allowed Pay but for one Surgeon to a Regiment, and one Surgeon's Mate,

(8) That the following Establishment be made for the Officers and Men that may be employed as aforesaid; Viz^t

For a Colonel to each Regiment consisting of not less than one Thousand Men, including Officers			£20.	Pr Month.
For one Leut: Colonel for such Regiment	.	.	£13.	0. 0 Do
For one Major for Do	.	.	10. 10.	0 Do
For a Captain of one Hundred Men including Officers	.	.	9. 0.	0 Do
For two Lientenants for such Company, each	.	.	5. 0.	0 Do
For one Ensign for Do	.	.	3. 0.	0 Do
For one Adjutant for each Regiment, besides a Lieu ^{ts} Pay	.	.	3. 0.	0 Do
For one Quarter Master for each Regiment, besides a Lieu ^{ts} Pay	.	.	2. 0.	0 Do
For one Chirurgeon to each Regim ^t	.	.	10. 0.	0 Do
For one Chirurgeon's Mate to Do	.	.	5. 6.	8 Do
For each Sergeant	.	.	2. 3.	1 Do
For each Corporal	.	.	1. 18.	7 Do
For each Drummer	.	.	1. 18.	7 Do
For each Private	.	.	1. 16.	0 Do

(9) The said Establishment shall continue until the first Day of July. 1762; if the War between England and France shall continue so long; otherwise until they are discharged, as aforesaid.

(10) The Commissary General shall provide Cloathing for the Men as follows, Viz^t

For each Man a blue Broadcloth, lapell'd Coat of the Value of	.	.	£2.	1. 8
a pair of German Searge Breeches	.	.	.	10. 8
A Flannel Wastcoat	.	.	.	5. 0
A Felt Hat bound with white Ferrit	.	.	.	5. 4
A strip't double Blanket	.	.	.	0. 12. 0
				£3. 14. 8

The first Regiment shall have their Coats faced & Cuffed with blue, the second Regiment with Red, and the third Regiment with Green.

(11) The Money Part of the Bounty shall be put into the Hands of the Militia Colonels, upon their giving Bond, with Sureties to be accountable for the same; and in Case of any Neglect that the Governour be desired to appoint some other Person in the Regiment of Militia to receive & pay such Bounty Money, they giving the like Security as is required of the Colonels; and one per Cent shall be allowed for receiving and paying out said Bounty Money, and no more.

(12) A Recruiting Officer shall be allowed three Shillings for each Man he shall enlist. & y^t Passes muster

(13) The Blanket shall be delivered to the Soldiers at the Time of their Marching.

(14) The other Cloathing shall be sent by the Commissary General, and delivered upon their Arrival at their first Quarters or Stations.

(15) That no Minor or Servant that shall proceed in the above Service, shall be allowed to take up more than one Half of his Wages of any Person or Persons who may be appointed to supply the above Forces.

In Council. Read & unanimously concurred. [*Passed April 4.*

CHAPTER 357.

ORDER APPOINTING OBADIAH DICKENSON TRUSTEE FOR JOHN BARDWELL AND IMPOWERING HIM TO SELL OR EXCHANGE LANDS.

A PETITION of Asubah Bardwell of Hatfield in the County of Hampshire Setting forth That her late Husband Moses Bardwell deceased left one Child only surviving viz^t John Bardwell a Minor about seven years old who as Heir to said Moses has an Interest in four Wood Lots in the Commons in Hatfield which he holds in common and undivided with several other Persons each of said Lots about nine Rods wide and two of them more than four Miles long, whereby they are render'd incapable of improvement. And Praying that Obadiah Dickenson of Hatfield Gentⁿ may be empowered to divide exchange or dispose of the said Minors Interest in said Lots for his most advantage.

Read and

Ordered That the Prayer of the Petition be granted: and that Obadiah Dickenson of Hatfield Gentⁿ be appointed and empowered a Person in Trust to divide or Exchange all or any part of the several Lots of Land in the four divisions of Commons in the Town of Hatfield belonging to John Bardwell the Minor within mentioned and as occasion shall require make and execute a good deed or deeds in law for the same, and also to take and receive deeds for his use. [*Passed April 7.*

Legislative
Records of the
Council, xxiii.,
663.

House Jour-
nal, pp. 271, 289,
300.

CHAPTER 358.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE CLAIMS OF SUTLERS.

Legislative
Records of the
Council, xxiii.,
663. Mass.
Archives,
lxxix., 661.

Legislative
Records of the
Council, xxiii.,
632. House
Journal, p. 303.
Ante, p. 468,
chap. 264;
p. 708, chap.
323.

THE COMMITTEE appointed to determine the proportion of each Sutler of the Sums on each Roll are of Opinion that M^r Levi Willard should draw the several Sums stopped on the several Rolls in Col^o Ruggles's Second Battalion, and those in Col^o Willards Regiment and those in Col^o Thomas's Regiment & Josiah Brewer those on the several Rolls in Col^o Ruggles's first Battalion: and Stephen Greenleaf those Sums on the Rolls in Col^o Whetcombs Regiment they giving sufficient Bond to the Treasurer to pay each Sutler his proportion that is stopped on the respective Rolls aforesaid: the said Sutlers having consented to the aforesaid method of drawing the said money, and have also agreed upon the proportion herewith exhibited.

Read & Accepted. [*Passed April 7.*]

CHAPTER 359.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative
Records of the
Council, xxiii.,
668. Mass.
Archives,
lxxix., 659.

Mass.
Archives,
lxxix., 1, 208,
366, 406, 408, 409,
415, 423, 442, 443,
455, 462, 463, 466,
467, 469, 470, 473,
482, 488, 498, 500,
512–514, 561, 572,
573, 576, 584–588,
590, 591, 594, 606,
650, 728. House
Journal,
pp. 298–300.

In the House of Representatives

The House took under Consideration Sundry petitions of Sick & wounded Soldiers &

Voted that there be allowed & paid out of the publick Treasury as follows viz^t

To Cap ^t Benja ^s Milliken . . .	[£] 2. 0. 0	for y ^e use of Abigail Kimball In full
To Cap ^t Benja ^s Millikin . . .	8. 16. 0	for y ^e use of Richard Pearl In full
To Cap ^t Benja ^s Milleken . . .	2. 0. 0	for the use of Jonas Platt In full
To Tho ^s Lancaster . . .	2. 10. 0	for the use of Mark Plett In full
To Zedekiah Stone . . .	12. 12. 0	for the use of y ^e Selectmen of Portersham ¹
To Cp ^t John Temple . . .	1. 6. 0	for y ^e use of William ^r Upton In full
To Cap ^t John Temple . . .	2. 15. 0	for y ^e use of Phinehas Parker In full
To Cap ^t John Temple . . .	3. 9. 4	for y ^e use of John Vinton In full
To Cap ^t John Temple . . .	1. 15. 4	for the use of Abr ^a Sheldon In full
To Cp ^t John Temple . . .	1. 4. 7	for y ^e use of Jonathan Batcheller In full
To Col John Noyce . . .	1. 9. 0	for y ^e use of Isaac Gibbs In full
To M ^r John Gould . . .	4. 2. 0	for the use of Lydia Chapman In full
To M ^r John Gould . . .	4. 16. 0	for the use of Sarah Hovey In full
To M ^r Tho ^s Laniaster . . .	2. 0. 0	for the use of Ephraim Nelson In full
To M ^r John Gould . . .	2. 1. 0	for the use of Joseph Broadstreet In full
To M ^r Richard Baily . . .	4. 14. 1	for y ^e use of David Lyon In full
To Doct ^r Joseph Sawyer . . .	7. 15. 4	for y ^e use of Benja ^s Harmon In full
To Maj ^r Edward Hartwell . . .	1. 10. 8	for y ^e use of Silas Wyman In full
To Col Artemas Ward . . .	4. 5. 4	for y ^e use of Peter Abbot In full
To Col Artemas Ward . . .	3. 6. 8	for the use of Phinehas Harwood In full
To Dr Joseph Sawyer . . .	6. 15. 9	for the use of Benja ^s Harmon In full
To Ditto . . .	8. 6. 6	for y ^e use of Abraham Penny In full
To Ditto . . .	6. 8. 0	for the use of Benja ^s Harmon In full
To Cp Eben ^r Sprout . . .	7. 0. 0	for the use of Joseph Tinkham In full
To Col W ^m Lawrence . . .	1. 10. 0	for the use of Benja ^s Davis In full
To Ditto . . .	3. 1. 0	for y ^e use of Hezekiah Sartwell In full
To Ditto . . .	1. 2. 8	for y ^e use of Francis Harris In full
To Tho ^s Foster Esq ^r . . .	1. 4. 0	for the use of Content Ransom In full
To M ^r Rich ^d Bailey . . .	10. 13. 0	for the use of Enoch Hewens In full
To Maj ^r Edward Hartwell . . .	6. 12. 0	for the use of Jonathan Page In full
To William Scott . . .	4. 0. 0	for the use of John Thompson In full
To Cp Edward Davis . . .	3. 0. 0	for the use of Eben ^r Eddy In full
To Maj Caleb Chushing . . .	1. 8. 4	for the use of Dan ^l Eaton In full
To Col Joseph Gerrish . . .	4. 0. 0	for the use of Daniel Hale In full

¹ *Sic*, for Petersham.

To Ditto	3.	4.	0	for the use of Edmund Bartlet In full
To Cp Ed ^d Davis	0.	12.	0	for the use of Peter Shumaway In full
To Cap ^t Solomon Wood	2.	12.	0	for the use of Henry Read In full
To James Williams Esq ^r	3.	0.	0	for y ^e use of Job Knap & Peter Knap In full
To M ^r Sylvanus Snow	3.	13.	0	for the use of Priscilla Rich In full
To M ^r Fellowes Billing	9.	15.	0	for the use of Sam ^l Shattuck In full
To Col Tho ^s Gilbert	6.	16.	0	for y ^e use of Caleb Chase In full
To Cp Elisha Adams	3.	0.	0	for the use of Experience Clarke In full
To Col Tho ^s Gilbert	3.	0.	0	for y ^e use of Lemuel Mayo In full
To Maj Tho ^s Morey	8.	0.	0	for the use of Elijah Briggs In full

In Council.

Read and Concurred. [*Passed April 7.*]

CHAPTER 360.

ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF NEEDHAM & NATICK.

A PETITION of Thomas Sawyin and Joshua Peabody a Committee from Natick, and a Petition of Amos Fuller and Others Selectmen of the Town of Needham

In Council

Read together with the Answer of a Committee of the Parish of Natick. And

Ordered That Benj^a Lincoln & Will^m Brattle Esq^{rs} with Such as the honourable House shall join, be a Committee to repair to Natick to view and report what they shall judge best to be done with regard to moving the Meeting House or annexing any of the Inhabitants of Needham to said Parish of Natick, the s^d Committee to advise with the Commis^{rs} of the Society for propagating the Gospel, with the Corporation of Harvard College, and with the Rev^d M^r Badger their Missionary in order to know their Inclinations in the affair.

In the House of Representatives

Read & Concurred & Col^o Philips Cap^t Tayler and Cap^t Reed are Joined in the affair. [*Passed April 8.*]

Legislative
Records of the
Council, xxiii.,
670. Mass.
Archives, xiv.,
226.

Legislative
Records of the
Council, xxiii.,
282. House
Journal, p. 301
(March, 1760);
pp. 224, 307.
Province
Laws, xv., 71,
chap. 164.

CHAPTER 361.

VOTE IMPOWERING DAMARIS HAPGOOD, ADM^s, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Damaris Hapgood of Shrewsbury Widow and Administratrix of the Estate of her Son John Hapgood late of Shrewsbury a Minor deceased Setting forth that the said John died seized of about three hundred Acres of unimproved Land in the Township N^o 3 near one hundred Miles distant from the Petitioner. That said Lands are subject to a Tax and to be sold for payment thereof without her knowledge and that the advance in the Value of the Land is not equal to said Tax, that one of the Heirs of said John is a Minor of 16 years of age and the other Heirs are desirous of selling the Land. And praying She may be impowered to make Sale thereof accordingly.

[Read and]

Voted that the Prayer of the within Petition be so far granted that the Petitioner in her capacity be, and she is hereby impowered

Legislative
Records of the
Council, xxiii.,
671.

House Jour-
nal, pp. 285, 307,
308. Province
Laws, ii., 151,
chap. 10.

to make sale of the withinmentioned Lands and to make and execute a good deed or deeds of the same she observing the Law relating to the sale of Real Estates by Executors and Administrators, and giving due caution to the Judge of Probate for the County of Worcester that the proceeds arising by said Sale be divided agreeable to Law among the lawful Heirs of the withinnamed John Hapgood deceased. [*Passed April 8.*]

CHAPTER 362.

ORDER ALLOWING £4 EACH TO ELIAPHET NICKERSON AND ABIJAH BANGS.

Legislative
Records of the
Council, xxiii.,
672. Mass.
Archives,
lxxix., 497.

Mass.
Archives,
lxxix., 496.
House Jour-
nal, pp. 265, 309.
Ante, p. 460,
chap. 245.

A PETITION of Eliphalet Nickerson and Abijah Bangs Setting forth That they were Soldiers in the pay of the Province in 1759 in Cap^{tn} Snows Company and were station'd at Annapolis and continued there in Service till the 17th Feb^{ry} when being incapable of doing Duty they were discharged but did not arrive till the 14th March And Praying they may receive the Bounty allowed to those who tarried over the Winter.

Read &

Ordered that there be Allowed & paid out of the publick Treasury the Sum of Eight pounds to M^r Nath^l Stone. viz four pounds for Each of the petitioners It appearing they never rec^d their Bounty as mentioned In the petition. [*Passed April 8.*]

CHAPTER 363.

ORDER ALLOWING £4 TO THADDEUS SPRING.

Legislative
Records of the
Council, xxiii.,
672. Mass.
Archives,
lxxix., 526.

Mass.
Archives,
lxxix., 526.
House Jour-
nal, pp. 274, 309.
Ante, p. 460,
chap. 245.

A PETITION of Thaddeus Spring of Weston, Setting forth That He was a Soldier in Cap^{tn} Fletchers Company in the pay of the Province in 1759. That being station'd at Annapolis he continued there in Service until February, when by reason of indisposition he was discharged.

And praying he may receive the bounty allow'd to those who tarried over the Winter.

Read &

Ordered that there be allowed & paid out of the publick Treasury to the petitioner the Sum of Four pounds It Appearing he never rec^d the bounty mentiond in the petition. [*Passed April 8.*]

CHAPTER 364.

ORDER ALLOWING £4 TO JEREMIAH MANTOR.

Legislative
Records of the
Council, xxiii.,
672. Mass.
Archives,
lxxix., 299.

House Jour-
nal, pp. 265, 309.

A PETITION of Jeremiah Mantor of Tisbury Setting forth That He was a Soldier in the Pay of the Province in 1759 in Cap^{tn} Mayhew's Company stationed at Annapolis, where he did duty till 26. February when he was dismissed. And praying he may receive the Bounty allowed to those who tarried over the Winter.

Read &

Ordered that there be allowed & paid out of the publick Treasury to M^r James Athern for the use of the petitioner the Sum of Four pounds It appearing he never rec^d the Bounty mentioned In the petition. [*Passed April 8.*]

Ante, p. 460,
chap. 245.

CHAPTER 365.

VOTE IMPOWERING THOMAS HUTCHINSON, ESQ, TO EXECUTE A DEED OF RELEASE OR QUIT CLAIM TO THE HEIRS OF ISAAC DAFFORNE.

WHEREAS an order passed this Court on the 21 day of January last impowering Thomas Hutchinson Esqr one of the Committee for finishing the Loans, to discharge a Mortgage upon the Estate of Isaac Dafforne late of Boston Cooper deceased, upon payment of the principal Sum and Interest due on said Mortgage, And whereas possession has been taken of the Mortgaged Estate for the Province. Therefore

Legislative
Records of the
Council, xxiii.,
673.

House Jour-
nal, pp. 201, 202,
313. *Ante*,
p. 684, chap.
257.

Voted that the said Thomas Hutchinson Esqr be and he hereby is fully impowered to execute a good & sufficient deed of Release or quit claim of the Right and Interest of the Province in the said mortgaged Estate to the Heirs or legal Representatives of the said Isaac Dafforne deceased upon Payment of the Principal and Interest as aforesaid. [*Passed April 9.*]

CHAPTER 366.

ORDER GRANTING TO W^m CARNACHAN LICENCE TO KEEP AN INN.

A PETITION of William Carnachan of Blanford. Setting forth That he hath lately purchased a house in a place called the Greenwood, where Azariah Dewey dec^d used to keep a Tavern. and praying that he may obtain a Licence for the same purpose.

Legislative
Records of the
Council, xxiii.,
674. Mass.
Archives, cxi.,
480.

Read &

Ordered that the prayer of the petition be so far granted that the Justices of the Court of General sessions of the peace to be holden at Springfield for the County of Hampshire In May next be Impowered If they See fit to Licence the petitioner to keep a House of publick Entertainment In the place petitioned for. [*Passed April 9.*]

Mass.
Archives, cxi.,
479. House
Journal, p. 310.

CHAPTER 367.

ORDER ALLOWING £3. 16. 10 TO ELIZABETH PRICE.

A PETITION of Elizabeth Price of Bridgwater Setting forth That her late Husband Thomas Price was a Soldier in the Pay of the Province in Cap^{tn} Dunbars Company of Col^o Thomas's Regiment, and on the 11. Octo^r 1760 died in the Service at Halifax, That upon applying to the Treasurer for his Wages She was told that they

Legislative
Records of the
Council, xxiii.,
674.

Mass.
Archives,
lxxxix., 499.

House Journal, pp. 271, 272, 312.

were paid by Virtue of an order of her said Husband to a Person under the Name of Thomas How, the whole of which was a Forgery. And Praying Relief.

[Read and]

Ordered that there be allowed and paid out of the public Treasury to the Petitioner the Sum of Three Pounds 16/10 her late husbands Wages, the said Wages having been drawn by a forged order endorsed by Thomas How notwithstanding. [*Passed April 9.*]

CHAPTER 368.

VOTE DIRECTING THE DISTRIBUTION OF PROVINCE LAW BOOKS.

Legislative Records of the Council, xxiii., 674. Mass. Archives, lviii., 450.

House Journal, pp. 313, 314. *Ante*, pp. 203–205; p. 299, chap. 220.

Voted, That M^r Samuel Kneeland be, and hereby is directed to deliver out the new Impression of the perpetual Laws of this Province, as follows, Viz^t One to each of those Gentlemen that were Members of the General Court in the Year one Thousand seven Hundred and fifty-eight; and one to each of the Members of the General Court. this present Year, that were not members of this Court in the Year one Thousand seven Hundred and fifty eight; and one to each Town and District in this Province; and one to each County, to be delivered to the Representative of each Shire Town, and by him to be delivered to the Clerk of the Sessions in the several Counties for the Use of the respective Counties. And that said Kneeland keep a fair account, both of the Time when, and the Persons to whom he shall deliver said Law Books, and lay the same before the General Court, when he shall be thereto required. [*Passed April 9.*]

CHAPTER 369.

ORDER ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

Legislative Records of the Council, xxiii., 675.

House Journal, pp. 305, 310, 311. Province Laws, xv., 446, chap. 293.

WHEREAS the Superior Court of Judicature, Court of Assize and General Goal delivery which by law was to have been holden at Plymouth in the County of Plimouth on the last Tuesday of April currant stands adjourned to the second Tuesday of May next, and some of the Officers of the Court of General Sessions of the Peace and Inferior Court of Common Pleas which by Law are to be holden at Barnstable in the County of Barnstable in May aforesaid are obliged to attend the Superior Court at Plimouth aforesaid.

Wherefore

Ordered That the Court of General Sessions of the Peace and Inferior Court of Common Pleas which by Law were to have been holden at Barnstable in the County of Barnstable on the second Tuesday of May next be adjourned to the third Tuesday of September next at ten o'clock in the Forenoon of said day; and all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts Recognizances and other matter or matters whatsoever returnable or having day in the said Courts shall stand abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good

effectual and available in Law to all intents and purposes, as if said Courts had been held and kept on the day by Law for holding the same and no Adjournment had been made. [*Passed April 9.*]

CHAPTER 370.

ORDER ALLOWING £21.6 TO JOHN THOMAS.

A PETITION of John Thomas Esqr Setting forth That he had the Command of a Regiment at Nova Scotia in the Pay of the Province in 1759 and made up his Staff Roll to some time in May 1760. when he was ordered to the Westward with a Regiment raised for that Service, altho' his Regiment at Nova Scotia was not yet discharged. That he has the Muster Roll and all the Accounts of the Nova Scotia Regiment to settle from its being raised until May 1760. And praying that he may have the usual allowance for such service.

Read &

Ordered that the prayer of the petition be so far granted that there be Allowed & paid out of the publick Treasury to the petitioner the sum of Twenty one pounds Six shillings In full for his Services mentioned in the petⁿ. [*Passed April 9.*]

Legislative
Records of the
Council, xxiii.,
676. Mass.
Archives,
lxxix, 440.

Mass.
Archives,
lxxix., 441.
House Jour-
nal, pp. 229, 278,
279, 311. *Ante*,
p. 639, chap.
160.

CHAPTER 371.

VOTE IMPOWERING MERCY TAYLOR, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mercy Taylor of South-Hadley Widow, and Administratrix of the Estate of her late Husband Joshua Taylor deceased Setting forth that her said Husbands Personal Estate is not sufficient to pay his Debts, and she hath obtained leave of the Superior Court to sell of his Real Estate to the Amount of Thirty two Pounds, which is likewise insufficient; and that the selling of so much only would spoil the remainder, And Praying leave to sell the whole, the Heirs of the deceased being likewise desirous thereof.

[Read and]

Voted That the Prayer of the Petition be so far granted that the Petitioner in her Capacity of Administratrix on the Estate of her late Husband Joshua Taylor deceased, be and hereby is authorized and impowered to make Sale of the whole Real Estate mentioned in the Petition for the most the same will fetch, and make and execute a good and sufficient deed or deeds for conveying the same: She observing the directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and give sufficient caution to the Judge of Probate for the County of Hampshire, that the proceeds arising by said sale be applied as follows viz' the interest of one third part thereof to the Petitioner during her Life, and the other two thirds to be applied for the payment of the just debts of said deceased, and what remains after the debts are paid to be put out on Interest for the benefit of said deceased's Children. [*Passed April 9.*]

Legislative
Records of the
Council, xxiii.,
676.

House Jour-
nal, pp. 260, 281,
282. Province
Laws, ii., 151,
chap. 10.

CHAPTER 372.

ORDER ALLOWING 27/6 TO PHINEAS FRARY.

House Journal, p. 291.
Mass.
Archives,
lxxix., 515.

A PETITION of *Phinehas Frary* of *Hatfield*, praying he may be allowed his Account of Nursing and Supplies for two sick Soldiers in the Year 1758; belonging to Col. Joseph Williams's Regiment.

Read and

Mass.
Archives,
lxxix., 515.
House Journal,
pp. 291, 320.

Ordered that the prayer of the petⁿ be Granted & that there be allowed & paid out of the publick Treasury the Sum of Twenty seven shillings & six pence to the petitioner In full for his Billeting the Soldiers Mentioned In the petition. [*Passed April 10.*]

CHAPTER 373.

VOTE ALLOWING 40/ TO JOS. METARK.

Legislative
Records of the
Council, xxiii.,
678. Mass.
Archives,
xxxiii., 162.

A PETITION of Joseph Metark of Chilmark, Indian Setting forth That being a Soldier in the Pay of the Province in the Year 1757 in Cap^m Thaxters Company, he was taken Prisoner at Fort William Henry and remained in a cruel Captivity for three Years, till when General Amherst was within 30 Miles of the Indian Village where he was a Prisoner, he made his Escape and immediately inlisted in Cap^m Dunlops Company, and remained in the Service till he was discharged in December last, and Praying some farther allowance.

Mass.
Archives,
xxxiii., 161,
162^a. House
Journal,
pp. 289, 313.
Ante, p. 262,
chap. 129.

Voted that the Sum of forty shillings be Granted (& paid out of the Treasury to the Hon^{ble} Benj^a Lincoln Esq^r) for the use of the Petitioner in full for his Sarvices in Cap^t Donlaps Company as mention^d in Said Petition. [*Passed April 10.*]

CHAPTER 374.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE MEDICINE CHESTS AND WATCH COATS FOR THE FORCES, ALSO VOTE IN REGARD TO PAY AND SUBSISTENCE AND VOTE FOR SUNDRY EQUIPMENTS.

Legislative
Records of the
Council, xxiii.,
678.

Voted that the Commissary General be directed to provide a Doctors Chest not exceeding Sixty Pounds in value for each Regiment of the Forces to be raised by this Government the present Year: also thirty Watch Coats including those he has by him for each of said Regiments. Also

House Journal,
p. 317.
Ante, p. 721,
chap. 356.

Voted That the Pay of the Non-commission Officers and Privates raised by the Government the present Year commence from the day of their attestation; and that said Non-commission Officers and Soldiers be allowed and paid by this Government two pence Sterling p day for their Subsistence from the time of the commencement of their Wages until they shall receive the Kings Provision. And the Commissary General is also directed to provide for each of said Soldiers one Haversack and one wooden Bottle containing about

three pints, also a large Hatchet to every ten Men, and a tin kettle containing about two Gallons to every six Men in each of said Regiments. [*Passed April 10.*]

CHAPTER 375.

VOTE DESIRING THE GOVERNOR TO ORDER UNIFORMS.

Voted that His Excellency the Governour be desired to order such uniforms for the three regiments to be raised pursuant to a vote of the Court passed the 4th instant as He shall Judge most proper any thing in s^d vote to the contrary notwithstanding provided the cloathing for each private doth not exceed the sum therein mentioned. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
679. Mass.
Archives,
lxxix., 678.

House Jour-
nal, p. 323.
Ante, p. 721,
chap. 356.

CHAPTER 376.

VOTE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE FOLLOWING VOTES passed upon the petitions of Sick & wounded Soldiers viz that there be allowed & paid out of the publick Treasury

Legislative
Records of the
Council, xxiii.,
679. Mass.
Archives,
lxxix., 676.

To Col W ^m Lawrence . . .	3. 13. 4	for the use of	Nath ^l Blood in full
To Col Joseph Gerrish . . .	2. 13. 0		Edmund Bailey in full
To Dr Tho ^s Porter . . .	8. 7. 0		Edmund Putnum
To Mr Henry Herrick . . .	3. 17. 3		James Giles
To Ditto . . .	6. 2. 0		Dan ^l Bootman
To Mr Noah Sabin . . .	7. 0. 0		Consider Atherton
To Col Jos. Williams . . .	13. 0. 0		Solomon Eayres
To Col Jos. Buckminster . . .	9. 6. 0		Daniel Haven
To Mr Sylvanus Snow . . .	2. 8. 0		Naaman Holbrook
To Col Jos: Williams . . .	5. 0. 0		Nehemiah Healey
To Col Jos: Gerrish . . .	4. 8. 0		Moses Bailey
To James Williams Esq ^r . . .	2. 8. 10		Seth Pitts
To Mr Henry Herrick . . .	3. 1. 0		Ruth Rea
To Josiah Chauncey Esq ^r . . .	1. 16. 0		Isaac Ball
To Sam ^l Waldo Esq ^r . . .	6. 0. 0		John McCreight
To the Hon ^{ble} James Otis Esq ^r . . .	6. 1. 4		Eben ^r Wood
To Sam ^l Phillips Esq ^r . . .	5. 7. 0		Job. Marble
Cp ^t Peter Cooledge . . .	1. 0. 0		David Clarke
To Col W ^m Lawrence . . .	5. 6. 0		Oliver Hartwell
To Dan ^l Howard Esq ^r . . .	7. 10. 0		Benj ^a Washburn
To Cp Edward Davis . . .	1. 8. 8		Uriah Gleason
To Mr James Fowle . . .	4. 7. 0		Jonathan Fox
To Cp ^t Peter Cooledge . . .	2. 6. 8		Jonathan Wright Jur ^t
To Ditto . . .	3. 12. 0		Mary Clarke
To Josiah Chauncey Esq ^r . . .	7. 13. 6		W ^m Rogers
To Ditto . . .	1. 11. 10		Barnard Wilds
To Sam ^l Phillips Esq ^r . . .	3. 8. 0		Joseph Odell exclusive of the Doctors Bill
To Sam ^l Phillips Esq ^r . . .	9. 10. 0		Oliver Holt
To Ditto . . .	6. 13. 0		John Shannon
To Ditto . . .	8. 13. 9		Jesse Abbot
To Cp ^t Solo Wood . . .	8. 5. 0	for y ^e use of	Peter Taft In full
To Col John Choate . . .	10. 2. 0		W ^m Whipple
To Sam ^l Phillips Esq ^r . . .	9. 0. 0		Joshua Barker
To Cp Edw ^d Davis . . .	1. 12. 4		Oliver Shumway
To Cp Peter Cooledge . . .	1. 18. 0		Aquila Robbins
Mr Samuel Seabury . . .	4. 14. 0		Abner Ripley
To W ^m Lawrence Esq ^r . . .	2. 17. 0		Sam ^l Kemp Jun ^r
To Ditto . . .	2. 4. 0		James Fisk
To Ditto . . .	5. 08. 0		Isaac Stone
To W ^m Richardson . . .	9. 0. 0		Mathias Larkin
To Cp ^t John Bear . . .	3. 6. 2		Jonathan Crowl
To Josiah Chauncey Esq ^r . . .	2. 16. 8		Charles Wright

House Jour-
nal, pp. 314–316.

To Mr John Temple	1. 3. 10	Sam ^l Tayler
To Dan ^l Haywood Esq ^r	5. 0. 0	David Mahain
To W ^m Richardson Esq ^r	6. 0. 0	Tho ^s Fairbank
To Col John Noyce	10. 10. 8	James Wesson
To Mr John Temple	1. 0. 0	W ^m Upton
To Ditto	1. 8. 0	Tim ^o Eaton
To Maj Dan ^l Burt	2. 0. 0	Joseph Ranger
To Mr Tim ^o Metcalf	1. 8. 0	Sam ^l Metcalf
To W ^m Richardson Esq ^r	5. 11. 2	Amasa Turner
To Mr Tim ^o Metcalf	2. 13. 0	Nathan Fisher
To Cp Sol ^o Wood	1. 13. 4	Peter Aldrich
To Mr John Temple	1. 0. 0	Margeret Fitch
To Cp Sol ^o Wood	3. 0. 0	Seth Taft
To Mr John Temple	3. 14. 0	Dan ^l Weston

[*Passed April 10.*

CHAPTER 377.

ORDER IMPOWERING THE SELECTMEN OF STOUGHTON TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
680. Mass.
Archives,
lviii., 443.

Mass.
Archives,
lviii., 442.
House Jour-
nal, pp. 257, 264.

A PETITION of Joseph Hewins and Others Selectmen of Stoughton Setting forth That in the Year 1747 upon a division of certain Lands then lying in common with said Town and the Town of Dorchester, there was assigned to the Town of Stoughton ninety Acres of wild and unimproved Land, appropriated for the use of the School in said Town; that said Land lyes remote from most of the Inhabitants and frequently trespassed upon, and that it brings in nothing. And praying leave to sell the same the income thereof to be improved towards the Support of a School in said Town.

Read &

Ordered that the prayer of the petition be granted & that the Town of Stoughton by a Com^{tee} by them to be appointed for that purpose be Impowered to make Sale of the Ninety Acres of Land mentioned in the petition for the most the same with fetch and to make & Execute a good Deed or Deeds in Law for Conveying the Same The proceeds of the Sale to be let out at Interest on good Security and to be Improved Annually to Support the School or Schools in the Town of Stoughton for ever in the Same way and Manner as the Rents of S^d Lands would have been Improvd if it had not been disposed of and that the Iron Oar if any Should be found be not Sold but be Improved Agreeable to the Agreement between the Towns of Dorchester & Stoughton. [*Passed April 10.*

CHAPTER 378.

VOTE FOR TRANSFER OF APPROPRIATIONS.

Legislative
Records of the
Council, xxiii.,
681.

House Jour-
nal, p. 319.
Province
Laws, iv., 376,
chap. 8.

Voted That there be a transfer from the Appropriation for Forts and Garrisons of One Thousand Pounds to the Appropriation where there is no Establishment. [*Passed April 10.*

CHAPTER 379.

VOTE IMPOWERING SAMUEL SWIFT, GUARDIAN, TO SELL REAL ESTATE
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Swift of Boston, Guardian to his Brother Tho^s Swift of Milton a Person Non-compos mentis Setting forth That the said Thomas's personal Estate amounts to £36.18.6 and his Real Estate to £775. That his Debts amount to more than one half of said Summs, and upon Interest. And praying leave to sell the said Estate for payment of the said Thomas's Debts, and for his future Support.

[Read and]

Voted That the Prayer of this Petition be granted, and that said Sam^l Swift in his Capacity of Guardian to his Brother Thomas Swift non-Compos, be and hereby is fully authorized and impowered to make sale of the Real Estate of said Thomas as mentioned in said Petition for the most the same will fetch, and execute a good deed or Deeds in the Law of the same, he observing the directions of the Law for the Sale of Real Estates by Executors and Administrators: and also giving sufficient caution to the Judge of Probate for the County of Suffolk that the moneys arising by the Sale thereof be faithfully applied to the payment of the just debts of the said Thomas, and that the Overplus (if any there be) be put out to interest for the benefit of the said Thomas, and applied for his Maintenance as there shall be occasion. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
681.

House Jour-
nal, pp. 297, 318.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 380.

ORDER ALLOWING 36/ TO JOHN ERWIN, JUN.

A PETITION of John Erwin jun^r of Groton, a Soldier in the Pay of the Province in Cap^m Lawrence's Company in 1758. Setting forth That he carried his own Gun into the Service; and being wounded was sent into the Hospital at Fort Edward, and while unable to take care of himself, he had his Gun stolen. And praying an Allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury the Sum of Thirty six Shillings to W^m Lawrence Esq^r for y^e use of the petitioner In full for his Gun mentioned In the petition. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
682. Mass.
Archives,
lxxix., 491.

Mass.
Archives,
lxxix., 490.
House Jour-
nal, pp. 269, 270,
320.

CHAPTER 381.

VOTE DIRECTING THE COMMISSARY GENERAL TO PAY £4 TO CAPT.
NATH^l FISH FOR HIS SERVANT JOHN RICHARDS, AND £4 TO TIMO-
THY PERRY, ADM^B.

Voted That the Commissary General be directed to pay to Cap^m Nathanael Fish¹ or order the sum of Four Pounds for his Servant John Richards tarrying over the Winter at Halifax in the Year 1759

Legislative
Records of the
Council, xxiii.,
684.

¹ The House Journal, p. 320, reads, "Capt. Nath. Tufts."

House Journal, p. 320.

& 60. who died there on the 5th of March 1760. Also that he pay the like Sum of four Pounds to Timothy Perry or order Admin^r to the Estate of Gideon Ellis deceased, for his Son Seth Ellis tarrying over the Winter at Halifax aforesaid until the 21 day of February 1760 when said Seth died. [*Passed April 10.*]

CHAPTER 382.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF ESSEX AND ALLOWING 37/ FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxiii., 684.

House Journal, p. 321.
Ante, p. 688, chap. 268.

THE COMMITTEE appointed to farm the Excise on Tea, Coffee, China Ware &c in the County of Essex for the Year 1760, made report that they had sold the same to M^r Jacob Ashton for the Sum of two hundred and eighty Pounds and taken bond with Sureties for the Same: they likewise presented their Account of charge amounting to thirty seven Shillings.

Read and Accepted and

Ordered that there be allowed and paid out of the public Treasury the Sum of thirty seven Shillings in full for their Service. [*Passed April 10.*]

CHAPTER 383.

ORDER ALLOWING £11.5 TO MAJOR JOHN BURK.

Legislative Records of the Council, xxiii., 684. Mass. Archives, lxxix., 674.

Mass. Archives, lxxix., 673, 675. House Journal, pp. 317, 318, 321.

A PETITION of John Burk Setting forth That he succeeded Major Ball deceased in the Majority of a Regiment in the Pay of the Province that Major Ball is made up in the staff Roll to the 10th March, and the Petitioner born upon said Roll from the 11. March, but that he engaged in the Service as a Captain on the 4th Febr^y but having no Roll to make up as Captain he has received no pay from said 4th February to 11. March. And praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to the petitioner the sum of Eleven pounds five Shillings In full for what he is made up Short in the Roll. [*Passed April 10.*]

CHAPTER 384.

ORDER ALLOWING 40/ TO ZEDEKIAH STONE.

Legislative Records of the Council, xxiii., 684. Mass. Archives, lxxix., 381.

Mass. Archives, lxxix., 381. House Journal, pp. 290, 316.

A PETITION of Zedekiah Stone of Petersham Setting forth That being Captain of a ranging Company in the Pay of the Province on the Western Frontier he drew off to his Men sixty Gallons of Rum, for which the Collector of Excise in the County of Worcester brought an Action against him and recovered of him £17.10.10 And Praying Releif.

Read &

Ordered that there be Allowed & paid out of the publick Treasury the Sum of Forty Shillings. [*Passed April 10.*]

CHAPTER 385.

RESOLVE ALLOWING £700 TO THE JUDGES OF THE SUP^R COURT.

Resolved that the Sum of Seven Hundred pounds be granted and paid out of the publick Treasury to the Honourable Justices of the Superiour Court of Judicature Court of Assize And General Goal Delivery for their Services for one year ending the first of January last. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
685. Mass.
Archives,
xliv., 483.

House Jour-
nal, pp. 323, 324.

CHAPTER 386.

RESOLVE ALLOWING £30 TO THE ADM^R OF STEPHEN SEWALL CHIEF JUSTICE.

Resolved that there be granted & paid out of the publick Treasury to the Administrator of the Honourable Stephen Sewall Esq^r Deceased Thirty pounds In Consideration of S^d Stephens faithfull Discharge of the Important Trust reposed in him as Chief Justice. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
685. Mass.
Archives,
xliv., 484.

House Jour-
nal, p. 324.

CHAPTER 387.

RESOLVE ALLOWING £80 TO PROF. JOHN WINTHROP.

Resolved that there be granted and allowed to be paid out of the public Treasury to John Winthrop Esqr Hollisian Professor of the Mathematicks and Natural Philosophy at Harvard College in Cambridge the Sum of Eighty Pounds as a Gratuity in consideration of his faithful discharge of the great and important Trust reposed in him and for his farther Encouragement, therein. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
685.

House Jour-
nal, p. 324.

CHAPTER 388.

RESOLVE ALLOWING £90 TO REV^D D^R WIGGELSWORTH.

Resolved, That there be granted and allowed to be paid out of the publick Treasury to the Reverend D^r Edward Wigglesworth, Hollisian Professor of Divinity at Harvard-College in Cambridge, the Sum of Ninety pounds as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, and for his further Encouragement therein. [*Passed April 10.*]

Legislative
Records of the
Council, xxiii.,
685. Mass.
Archives,
lviii., 451.

House Jour-
nal, p. 324.

CHAPTER 389.

RESOLVE ALLOWING £230 TO PRES^{VT} HOLYOKE.

Legislative
Records of the
Council, xxiii.,
685. Mass.
Archives,
lviii., 451a.

House Jour-
nal, p. 324.

Resolved, That the Sum of two hundred and thirty pounds be granted and allowed to be paid out of the publick Treasury, to the Reverend M^r Edward Holyoke, President of Harvard-College, over and above the Rents of Massachusetts-Hall, for one Year, ending the tenth Day of September next, to be paid Quarterly. [*Passed April 10.*]

CHAPTER 390.

ORDER ALLOWING £22. 17. 6 TO ENSIGN JOHN HANMER.

Legislative
Records of the
Council, xxiii.,
686. Mass.
Archives,
lxxix., 655.

Mass.
Archives,
lxxix., 653.
House Jour-
nal, pp. 307, 320.

A PETITION of John Hanmer, Ensign in Cap^m Mayhews Company of Col^o Thomas's Regiment in 1759 & 1760. That he is made up in Cap^m Mayhews Roll to the 1st of November only, but that Samuel Shackford is by mistake made up as Ensign both in Cap^m Mayhews Company and in Cap^m Grays of the same Regiment but hath received Wages only on Cap^m Mayhews Roll. And praying that as he continued in the Service till the 10th May he may receive his Pay to that time accordingly.

Read &

Ordered that the prayer of the petition be so far Granted that there be Allowed & paid out of the publick Treasury to the petitioner the Sum of Twenty Two pounds seventeen shillings & six pence In full for his Six Months & fifteen Days Wages out of the Sum made up in Cap^t Gays Muster Roll payable to Shackford & the remaining Sum of of ¹ five pounds Ten shillings to remain In the Treasurers hands for which he is to be Accountable to the province. [*Passed April 10.*]

CHAPTER 391.

ORDER ACCEPTING REPORT OF COMMITTEE ON FRENCH NEUTRALS FOR BARNSTABLE COUNTY AND DIRECTING THAT JOHN BAUDREE BE SUPPORTED BY SAID COUNTY.

Legislative
Records of the
Council, xxiii.,
643. Mass.
Archives,
xxiv., 365.

Legislative
Records of the
Council, xxiii.,
686. House
Journal,
pp. 274, 324, 325.

A REPORT of Silvanus Bourn Esq^r and Others a Committee of the county of Barnstable of their Doings relative to the distribution of some of the late French Inhabitants in the several Towns within said county. And Praying the Orders of the court with respect to John Beaudrie one of said People who hath been bedrid for upwards of four Years past.

The Comittee to whome was referr'd The Petⁿ of Silvanus Bourn Esq^r & others haveing met & Considered Thereon Beg Leave to report That In as much as The French Nutrals were Lately Proportioned to & among the Several Countys in the Province & that accepted by the Gen^l Court which doubtless was done with Great Justice

among the whole, Therefore we apprehend That the Charge for Suporting of y^e s^d John Beavdroe ought to be on y^e County of Barnstable, & that y^e acc^{tt} of Charge being £4.7.4 be p^d out of the Province Treasury

All which is Humbly Submitted .

By JN^o CUSHING p order

Read &

Ordered that the Above report be Accepted & that s^d Jn^o Beaudree be supported at y^e charge of the County of Barnstable and that there be Allowed & paid out of the publick Treasury the Sum of four pound 7/4 to Sylvanus Bourn Esq^r & others the Com^{tee} to apportion the French Inhabitants in the County of Barnstable In full for their Service & Expences. [*Passed April 11.*]

CHAPTER 392.

VOTE ALLOWING DIVERS SUMS TO SAILORS TAKEN CAPTIVE WHILE IN SERVICE ON PROV: SNOW.

Voted That there be paid out of the publick Treasury the Sums following Viz^t

To Joseph Leathers Eight Pounds

To Josiah Holland Jun^r Eight Pounds

To Thomas Goold Eight Pounds

to be in full for the Hardships & Sufferings they underwent after they were taken in the Province Snow. Also

To Rachel Rouse Eight Pounds &

To Nath^l Ropes for the use of Elizabeth Atkinson Eight Pounds in full for y^e Sufferings of their Husbands. [*Passed April 11.*¹]

Legislative
Records of the
Council, xxiii.,
671. Mass.
Archives,
lxvi., 134.

Mass.
Archives,
lxvi., 126, 128,
129, 133. House
Journal,
pp. 308, 326.

CHAPTER 393.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED ON FRENCH NEUTRALS IN THE COUNTY OF ESSEX AND ALLOWING £4.10 EXPENSE THEREOF.

A REPORT of Benj^a Lynde Esqr and Others, a Committee to apportion the late French Inhabitants of Nova Scotia to the several Towns in the County of Essex.

Read &

Ordered that the foregoing report be Accepted & that there be Allowed & paid out of the publick Treasury the sum of four pounds, ten Shillings to Said Com^{tee} In full for their service & Expences. [*Passed April 11.*]

Legislative
Records of the
Council, xxiii.,
687. Mass.
Archives,
xxiv., 370.

Mass.
Archives,
xxiv., 367.
House Jour-
nal, p. 324.
Ante, p. 553,
chap. 477.

¹ This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 8.

CHAPTER 394.

VOTE THAT NO PERSON, EXCEPTING QUARTER MASTERS AND ADJUTANTS, SHALL SERVE IN MORE THAN ONE CAPACITY.

Mass.
Archives,
lxxix., 663.

House Jour-
nal, p. 329.
Ante, p. 721,
chap. 356.

WHEREAS an Establishment, has been made by this Court for the pay of 3,000 Men, including Officers, to be employed in his Majesty's Service, but no Provision is made by said Establishment to prevent the Officers from receiving pay in more Capacity's than one

Therefore

Voted that no Person shall be intitled by Virtue of said Establishment to pay, in more than one Capacity, the Quarter Masters, & Adjutants only excepted, any Thing in the said Establishment, to the contrary notwithstanding. [*Passed April 13.*]

CHAPTER 395.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative
Records of the
Council, xxiii.,
688.

House Jour-
nal, pp. 329, 332.
Ante, p. 718,
chap. 347.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas for the County of Plimouth, is to be held at Plymouth by Adjournment on the 21. day of April current pursuant to an Order of this Court. and whereas the 22^d day of said Month is appointed for a Public Fast throughout this Province, by reason whereof it will be very inconvenient for all Persons concerned to attend said Court at the time of the aforesaid Adjournment.

Therefore

Ordered That the Court of general Sessions of the Peace and Inferior Court of Common Pleas for the County of Plimouth be and hereby is farther adjourned to the 28th day of April current, then to be held at Plimouth in and for said County of Plimouth at ten o'clock in the Forenoon of said Day; and all Writts, Actions, Suits, Plaints, Processes, Precepts, Recognizances, and other matters whatsoever returnable & having day in said Courts shall stand abide and continue to the said twenty eighth day of April Current; and said Courts shall then proceed to hear and determine all such Actions and Causes, and award Execution and the Justices of said Courts and all Persons concerned shall conform themselves accordingly. [*Passed April 13.*]

CHAPTER 396.

ORDER ALLOWING £8 TO N. WHITTEMORE.

Legislative
Records of the
Council, xxiii.,
688. Mass.
Archives,
lxxix., 485.

Mass.
Archives,
lxxix., 484.

A PETITION of Nathaniel Whittemore of Harvard Praying an allowance on Account of his Servant being taken at Fort William Henry while in the Pay of the Province as a Soldier, and continuing three Years in Captivity in Canada.

Read and

Ordered that there be Allowed & paid out of the province Treas-

ury to W^m Richardson Esq^r for the use of the petitioner the Sum of Eight pounds In full for the Captivity & sufferings of his servant mentioned in the petition. [*Passed April 13.*]

House Journal, pp. 307, 327.

CHAPTER 397.

ORDER ALLOWING 24/ TO BENJ^A FITTS.

A PETITION of Benjamin Fitts of Sutton Setting forth That he march'd for the Relief of Fort William Henry in 1757. And Praying that he may receive the like allowance with others in the same Company, he being omitted in the Muster Roll.

[Read and]

Ordered that there be Allowed & paid out of the publick Treasury to Cp^t Edward Davis for the Use of the petitioner the Sum of Twenty four shillings In full for his Wages within mentioned. [*Passed April 13.*]

Legislative Records of the Council, xxiii., 689. Mass. Archives, lxxix., 483.

Mass. Archives, lxxix., 483. House Journal, pp. 270, 327.

CHAPTER 398.

ORDER DIRECTING PROVINCE TREASURER TO PAY £10 TO JOSHUA EDWARDS.

A PETITION of Joshua Edwards of Wells, Setting forth, That he was a Soldier in the Pay of the Province in Cap^{tn} Chadburn's Company which served at Louisbourg, and there continued till last Fall; that there is no Roll yet made up, and his Family in Necessity; and praying Relief.

Read an[d]

Ordered That the Treasurer be directed to pay unto Joseph Sayer Esq^r for the vse of the Petitioner ten pounds as part of his wages the Said Joseph Sayer giving Security to the Treasurer to accn^t with him for the said Sum or So much of it as shall appear not due to him the said Edwards upon the muster Rooll of the said Lieu^t moody¹ when made up. [*Passed April 13.*]

Legislative Records of the Council, xxiii., 689. Mass. Archives, lxxix., 516.

Mass. Archives, lxxix., 516. House Journal, pp. 279, 328.

CHAPTER 399.

ORDER ALLOWING THE WAGES OF SIMEON FISHER TO EZRA FISHER, GUARDIAN.

A PETITION of Ezra Fisher of Stoughton, Guardian of Simeon Fisher a Minor, who served as a Soldier in Cap^m Richmond's Company and died; that said Simeon not being made up as a Minor, He, the Petitioner cannot receive his Wages and praying Relief.

Read &

Ordered

that the Prayer of y^e s^d Petition be so far granted as that the Province Treasurer be Ordered to pay to y^e Petitioner, for y^e Use of y^e Heirs of y^e therein mentiond Simeon Fisher, the whole of what Wages shall appear due to y^e s^d Simeon on y^e aboves^d Cap^t Silvester Richmond Muster Roll A D. 1760. [*Passed April 13.*]

Legislative Records of the Council, xxiii., 689. Mass. Archives, lxxix., 517.

House Journal, pp. 291, 327.

¹ *Sic*, Not mentioned before.

CHAPTER 400.

ORDER ALLOWING £5. 8 TO BENJ^A JENKINS.

Legislative
Records of the
Council, xxiii.,
692. Mass.
Archives,
lxxix., 527.

Mass.
Archives,
lxxix., 527.
House Jour-
nal, pp. 321, 330.

A PETITION of Benj^a Jenkins of Barnstable Setting forth That his Son Southward Jenkins a Minor enlisted as a Soldier in the pay of the Province on 6th March 1759. under Cap^{tn} Bourn, and marched to Castle William, where he was taken ill with the Measles, and after that marched to Worcester where being taken ill again he was discharged, that he is not made up in any Muster Roll, or received either Pay or billeting. And praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to James Otis Esq^r for the use of the petitioner the Sum of five pounds Eight Shillings In full for his Sons Wages & Billeting as mentioned in the petition. [*Passed April 14.*]

CHAPTER 401.

ORDER ALLOWING £3 TO BENJ^A JEFFERY.

Legislative
Records of the
Council, xxiii.,
692. Mass.
Archives,
lxxix., 530.

Mass.
Archives,
lxxix., 530.
House Jour-
nal, pp. 293, 330.

A PETITION of Benjamin Jeffrey of Arundel Setting forth That his Son Benj^a Jeffrey inlisted as a Soldier in the pay of the Province under Cap^{tn} Simon Jeffereys; that at Mont Real he was by accident so scalded, as to render him incapable of travelling whereupon the Petitioner went with a horse near 200 Miles, and brought his said Son home. And praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to Cap^t John Libbie for the use of the petitioner the Sum of Three pounds in full for his Charge & Expences in getting home his Son as set forth in the petition. [*Passed April 14.*]

CHAPTER 402.

ORDER ALLOWING £8 TO MOSES BAILEY.

Legislative
Records of the
Council, xxiii.,
692. Mass.
Archives,
lxxix., 536.

Mass.
Archives,
lxxix., 535.
House Jour-
nal, pp. 280, 331.

A PETITION of Moses Bailey of Methuen Setting forth That in the Year 1759. He enlisted as a Soldier in the Pay of the Province under Cap^{tn} Peabody. That at Ticonderoga he met with an accidental Blow in one of his Legs, which rendered him unfit for Service, and was on the 6th Octo^r sent to Albany from whence he wrote to his Brother, who came up with a Horse and brought him home at great expence, after which he continued four Months under the Doctors care. And Praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to Sam^l Philips Esq^r for the use of the petitioner the Sum of Eight pounds In full for his Sufferings Expences & Loss of time. [*Passed April 14.*]

CHAPTER 403.

ORDER ALLOWING £12. 10 TO EBEN^r BARDWELL.

A PETITION of Ebenezer Bardwell of Hatfield Setting forth That being a Lieutenant in the Pay of the Province in 1759, he was sent in pursuit of sundry deserters, and to collect such Soldiers as had not joined their respective Companies in which Service he expended about Nine Pounds besides the Hire of a Horse. and Praying an allowance.

Read &

Ordered that there be allowed & paid out of the publick Treasury to Oliver Partridge Esq^r for the use of the petitioner the Sum of Twelve pounds Ten shillings In full for his Expences In pursuing Deserters &c. [*Passed April 14.*]

Legislative
Records of the
Council, xxiii.,
693. Mass.
Archives,
lxxix., 557.

Mass.
Archives,
lxxix., 556.
House Jour-
nal, pp. 327, 334.

CHAPTER 404.

ORDER ALLOWING £3. 4 TO EBEN^r LEWIS.

A PETITION of Eben^r Lewis of Dedham Praying an allowance of his Expence in fetching home his Son Ebenezer^r Lewis, a Soldier in the Pay of the Province, taken sick at Montreal, and of the charge of his Sickness since his Return.

Read &

Ordered that there be allowed & paid out of the publick Treasury to Cap^t Jonathan Metcalf for the use of the petitioner the sum of Three pounds four shillings In full for his Charges for Nursing his Son &c. [*Passed April 14.*]

Legislative
Records of the
Council, xxiii.,
693. Mass.
Archives,
lxxix., 532.

Mass.
Archives,
lxxix., 531.
House Jour-
nal, p. 335.

CHAPTER 405.

ORDER IMPOWERING HANNAH STEVENS, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Stevens of Brookfield Widow & Guardian of Jude Stevens a Minor of the age of about six Years Setting forth that the said Minor hath a right of Land in Fall Town, and another in Rhode Town subject to Rates and Taxes and hath not other Estate wherewith to pay the same. and praying leave to sell the said Lands

Read and

Ordered That the prayer of the Petition be so far granted, that the Petitioner in her capacity as Guardian to Jude Stevens a Minor be and hereby is empowered to make Sale of the Home Lot of the Right of Land in Fall Town mentioned in the Petition for the most the same will fetch, and make and execute a good deed or deeds of the same, she observing the directions of the Law respecting Executors and Admin^{rs} selling Lands, she giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds arising by said Sale be put out at Interest till said Minor is of Age, and then both principal and Interest be paid to said Minor. [*Passed April 14.*]

Legislative
Records of the
Council, xxiii.,
693.

House Jour-
nal, pp. 287, 288,
332. Province
Laws, ii., 151,
chap. 10.

CHAPTER 406.

ORDER ALLOWING £4.10 TO SAM^L WEBBER.

Legislative
Records of the
Council, xxiii.,
694. Mass.
Archives,
lxxix., 529.

Mass.
Archives,
lxxix., 528.
House Jour-
nal, pp. 291, 334.

A PETITION of Samuel Webber of York, a Soldier in the pay of the Province the last campaign Setting forth That on his Return home he was taken down with the small pox at Sheffield, which left him very weak for a long time. And praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to Mr John Bradbury for the use of the petitioner the Sum of four pounds Ten shillings In full for his Expences & Sufferings Mentioned in the petⁿ. [*Passed April 14.*]

CHAPTER 407.

ORDER ALLOWING £4.8 TO ELIJAH TEMPLE.

Legislative
Records of the
Council, xxiii.,
694. Mass.
Archives,
lxxix., 165.

Mass.
Archives,
lxxix., 165.
House Jour-
nal, pp. 291, 334.

A PETITION of Elijah Temple of Road Town a Soldier in the Pay of the Province in the Year 1758; that on his Return home he was taken sick at Sheffield, and was there detained several Weeks, and remaining ill was at the Expence of a Man and horse to get home, after which he continued ill for five weeks; and praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury the Sum of four pounds Eight Shillings to Josiah Chauncy Esq^r for the Use of the petitioner In full for his Expences &c. [*Passed April 14.*]

CHAPTER 408.

ORDER IMPOWERING ARTHUR NOBLE TO ENTER A COMPLAINT.

Legislative
Records of the
Council, xxiii.,
694.

House Jour-
nal, pp. 336, 337.

A PETITION of Arthur Noble of Boston Setting forth That at an Inferior Court held at Falmouth within and for the County of York in October 1759. He recovered Judgement by default against James Grant of a place called Mount sweag in said County for the Sum of £102.15.1 money damage and £4 Costs from which Judgement the said James appealed to the then next Superior Court of Judicature for said County but being defaulted did not nor could prosecute said Appeal, whereupon the Petitioner should have filed his Complaint and prayed of the same Court Affirmation of said Judgement but his Attorney overlooking the Case neglected it. And praying that he may be allowed to enter his Complaint at the next Superior Court to be held at York aforesaid in June next.

Read and

Ordered That the Prayer of the Petition be so far granted as that the Petitioner Arthur be allowed to enter his said Complaint at the next Superior Court of Judicature &c to be held at York within-mentioned in June next, and that the Justices of said Court hereby are as fully empower'd to give Judgement thereon; and the same to be as valid and effective as if said Complaint had been filed at

said Court in June last. Provided the said Arthur notify the said James fourteen days at least before the sitting of said Court, and proof thereof be made to said Court before Judgement be render'd thereon. [*Passed April 15.*]

CHAPTER 409.

RESOLVE IMPOWERING THE PROVINCE TREASURER TO DEMAND, RECEIVE AND SUE FOR £475. 9. 11.

WHEREAS by the Report of a Committee appointed the last Session of the General Court, upon a Petition of Thomas Green & others Inhabitants of this Province, "as entered the 19th Decem^r last representing that there are large Sums of Money due to the Province by Decree of the Court of Vice Admiralty, as their third of the Forfeitures upon Seizures &c," it appears that in the six Cases referred to in said Report, there is due to the Province the Sum of Four Hundred and seventy five Pounds nine Shillings and eleven Pence:

Resolved, That Harrison Gray, Esq^r the Province Treasurer, or the Province Treasurer for the time being, be, and hereby are empowered and directed to demand and receive the aforesaid Sum of Four Hundred and seventy five Pounds nine Shillings and eleven Pence of the respective Persons, from whom it shall appear to be due; and in Case of their refusing or neglecting to make Payment on Demand, to bring an action or actions at Common Law for the Recovery of said Sum, to be applied to the Support of this Government, as this Court shall hereafter order. [*Passed April 15.*]

Legislative
Records of the
Council, xxiii.,
696. Mass.
Archives,
xlii., 485.

Legislative
Records of the
Council, xxiii.,
566. House
Journal, pp.
107, 180, 181, 339.
Ante, p. 667,
chap. 221.

CHAPTER 410.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE FOLLOWING VOTES passed upon the petitions of Sick & wounded Soldiers viz that there be allowed & paid out of the publick Treasury

To Cp ^t Tim ^o Metcelf	3.	16.	0	for y ^e use of	James Bacon In full
To Ol ^r Partridge	6.	12.	0		John Hamilton
To Ditto	2.	7.	0		Nathan Wait
To M ^r James Athern	3.	0.	0		Zacheus Luce
To M ^r Sol ^o Prentice	2.	2.	0		Aaron Hardy
To Ditto	2.	10.	0		Isaac Harrington
To Cap ^t Jon ^a Metcalf	3.	4.	6		Tim ^o Baker
To M ^r Sol ^o Prentice	4.	15.	0		
To Cap ^t Eben ^r Sprout	4.	12.	0		Gershom Cobb
To Cp ^t Enoch Kidder	2.	15.	0		Abraham Durant Jr ^r
To M ^r James Fowle	5.	0.	0		Zech Flegg
To Cp ^t Enoch Kidder	2.	15.	0		Josiah Johnson Jun ^r
To M ^r Tho ^s Lancaster	9.	10.	0		Sam ^l Bailey
To Benj ^a Newall Esq ^r	13.	10.	0		Rich ^d Johnson
To Ditto	5.	10.	0		Ephraim Rodes
To M ^r Tho Pearly	1.	6.	0		Retior Bacon
Col. W ^m Lawrence	1.	16.	0		Eleazer Henry
To Maj ^r Dan ^l Burt	9.	0.	0		Nathan Abbot
To Cp Eben Sprout	2.	14.	0		Mary Cobb
To Col John Choate	1.	16.	8		Elis ^a Wait
To M ^r Elisha Adams	6.	6.	0		David Wright

Legislative
Records of the
Council, xxiii.,
697. Mass.
Archives,
lxxix., 680.

Mass.
Archives,
lxxviii., 798;
lxxix., 275,
370-1, 374-5, 429,
430, 444-5, 451,
456-7, 494, 501,
502, 548, 571, 578,
579, 580, 581,
592-3, 595-7,
607-8, 611-12,
613-4, 631-2, 646,
656, 667-8, 722.
House Jour-
nal, pp. 339, 340,
341.

¹ This date is according to the House Journal; according to Legislative Records of the Council the date is April 14.

To Ditto	7.	0.	0	Eliakim Morse
To Cp ^t Jon ^a Metcalf	3.	9.	0	Ralph Day
To Ditto	2.	10.	0	W ^m Fisher
To Sam ^l Philips Esq ^r	1.	0.	0	Oliver Holt
To Ditto	7.	12.	11	For y ^e Selectmen of Andover

[*Passed April 15.*]

CHAPTER 411.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative
Records of the
Council, xxiii.,
698.

DANIEL RUSSELL ESQR Treasurer for the County of Middlesex having laid before the Court for their allowance his Account of Receipts and Disbursements for said County dated 20th May 1760.

Read and

Ordered That the within Account be allowed; and that the Treasurer be discharged of the Sum of Two hundred eleven Pounds nine shillings and ten pence. And that he be further Accountable to said County for the Sum of One hundred & eleven Pounds eleven Shillings and seven pence half penny, being the ballance as within mentioned.¹ [*Passed April 15.*]

CHAPTER 412.

ORDER ALLOWING £5 TO THOM^s HAWES.

Legislative
Records of the
Council, xxiii.,
698. Mass.
Archives,
lxxix., 682.

A PETITION of Thom^s Hawes of Yarmouth, a Lieutenant in the Pay of this Province in the Year 1759. & 1760. Setting forth That he served in Col^o Thomas's Regiment at Nova Scotia, and continued there over the Winter and until the last of April 1760. but hath not receiv'd the Allowance made to those who continued as aforesaid.

And praying Relief.

Read &

Ordered that there be allowed & paid out of the province Treasury to Cap^t John Bear the Sum of Five pounds for the use of the petitioner In full for the Allowance of one Months pay granted by this Court for his Staying over the winter at Nova Scotia. [*Passed April 15.*]

CHAPTER 413.

VOTE IMPOWERING ISAIAH BUTLER, ADM^r, TO SELL REAL ESTATE.

Legislative
Records of the
Council, xxiii.,
698.

House Jour-
nal, pp. 318, 341.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Isaiah Butler of Bolton Administrator of the Estate of his late Father Nathaniel Butler deceased Setting forth That the deceaseds personal Estate is insufficient by sixty Pounds to pay his just debts: That his Real Estate was appriz'd at £200. And praying leave to sell part thereof to the amount of sixty Pounds in order to discharge the debts as aforesaid.

[Read and]

Voted That this Petition of Isaiah Butler be granted: and that the said Isaiah Butler in his said capacity of Admin^r on the Estate

¹ Not found in the House Journal.

of his said Father be hereby authorized & impowered to make sale of so much of the said deceased's Real Estate as shall be sufficient to pay all his just debts, and to make and execute a good deed or Deeds executed according to Law for conveying the same. Provided he give sufficient caution to the Judge of Probate for the County of Worcester to account for the proceeds of said Sale according to Law, and observe the directions in the Law for the Sale of Lands by Executors & Administrators. [*Passed April 15.*]

CHAPTER 414.

RESOLVE DESIRING THE GOVERNOR TO ORDER THE ENLISTMENT OF MEN TO MAKE UP THE CREW OF PROVINCE SHIP "KING GEORGE" TO 50 (INCLUDING OFFICERS).

Resolved That his Excellency the Captain General be desired to give Orders for Enlisting Such a Number of men as shall make up fifty Including Officers to man the province Ship King George The Wages to be the same both of Officers and Men as in the year 1760 to begin from the day of the Inlistment or having their Commissions & to Continue to the Tenth day of June Next or until a peace with France which shall first happen & No Longer & that the S^d Ship be fitted for the Sea. [*Passed April 16.*]

Mass.
Archives,
lxvi., 135.

Legislative
Records of the
Council, xxiii.,
494, 644.
House Jour-
nal, pp. 122, 191,
277, 283, 344.
Ante, p. 576,
chap. 26; p. 673,
chap. 234.

CHAPTER 415.

VOTE IMPOWERING ESTHER SMITH, ADM^x, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Esther Smith Administratrix of the Estate of her late Husband Jacob Smith of Lancaster deceased Setting forth That she is left with five Children and a small hut with Twenty Acres of Land, about two thirds only of which is improved which can yield but little towards the support of her and her Children the oldest of whom is but about 14 Years old, and he put out to a Trade, and praying leave to sell said Estate.

[Read and]

Voted, That the Prayer of the Petition be so far granted that the Petitioner in the Capacity of Administratrix on the Estate of her late Husband Jacob Smith deceased be, and hereby is impowered to make Sale of the whole of the Real Estate mentioned in the Petition for the most the same will fetch and make and execute a good and sufficient Deed or Deeds for conveying the same, she observing the directions of the Law relating to the Sale of Real Estates by Exec^{rs} & Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds arising by said Sale may be applied as follows viz^t The Interest of one third part thereof to be to the Petitioner during her Life and after her decease to be dispos'd of in like manner as said Estate would have been had it not been disposed of; and the remaining two thirds to be applied for the payment of said Deceaseds just Debts and after they are paid, if there be any remainder to be let out on Interest for the benefit of said deceaseds Children. [*Passed April 16.*]

Legislative
Records of the
Council, xxiii.,
701.

House Jour-
nal, pp. 260, 282.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 416.

ORDER ALLOWING £6. 2. 4 TO ISAAC WARD.

Legislative
Records of the
Council, xxlii.,
702. Mass.
Archives,
lxxix., 493.

Mass.
Archives,
lxxix., 492.
House Jour-
nal, pp. 291, 332.

A PETITION of Isaac Ward of Amherst Setting forth That his Son Isaac Ward a Soldier in Cap^{tn} Smiths Company was left sick the last Fall at Crown point, which the Petitioner hearing of, he was at great Expence in sending him proper help, but that he finally died there, and is moreover made up short in the Muster Roll. And Praying Relief.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to Josiah Chancy Esq^r for the use of the petitioner the Sum of Six pounds two Shillings & four pence in full for his Charges & Expences within mentioned. [*Passed April 16.*]

CHAPTER 417.

ORDER ALLOWING £4 EACH PER MONTH TO SAMUEL LIVERMORE AND DAVID WYER.

Legislative
Records of the
Council, xxlii.,
702. Mass.
Archives,
lxxix., 539.

Mass.
Archives,
lxxix., 537.
House Jour-
nal, pp. 291, 343.

A PETITION of Samuel Livermore and David Wyer, Co^mmissaries and Directors of the Hospital Stores at Fort Cumberland and Annapolis Royall in Nova Scotia Praying that they may have the same allowance made them in the quality last mentioned as the Directors of the Hospital Stores had at the Westward.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to Each of the petitioners four pounds ~~p~~ month over & above their pay as Commissaries In Consideration of their care of the Hospital Stores In full. [*Passed April 16.*]

CHAPTER 418.

VOTE IMPOWERING MARTHA BREED, EXECUTRIX, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxlii.,
702.

House Jour-
nal, pp. 333, 338.
Province
Laws, li., 151,
chap. 10.

A PETITION of Martha Breed Surviving Executrix of the last Will of her late Husband Ephraim Breed of Charlestown deceased Setting forth That the said Deceased among other things devised to the Petitioner the income and improvement of all his Real Estate in Charlestown (consisting of a dwelling house and Land and about three Acres of Pasture lying in the Fields so called) for the comfortable Support of her and her Children That the dwelling house is in a ruinous Condition, and that the Expences of her Family have so far diminished the personal Estate as not to leave a sufficiency to repair it. And Praying leave to sell the Pasture Land aforesaid for that purpose.

[Read and]

Voted That the Prayer of this Petition be so far granted as that the Petitioner be and hereby is authorized and impowered in her

said capacity to make sale of the three Acres of Pasture Land mentioned in her Petition for the most the same will fetch and to make and execute a good and sufficient deed or deeds of conveyance thereof, She observing the Rules of the Law respecting the Sale of Real Estates by Exec^{rs} and Admin^{rs} and giving sufficient caution to the Judge of Probate for the County of Middlesex for applying the proceeds of the said Sale for the purposes mentioned in the said Petition, and the Overplus if any there be for the better education of her Children. [*Passed April 16.*]

CHAPTER 419.

ORDER ALLOWING 45/ TO DANIEL GIDDINGE.

A PETITION of Daniel Giddinge of Ipswich Guardian of Ebenezer Martin a Minor, and a Soldier in the pay of the Province under Capⁿ Joseph Smith the last Campaign Setting forth That the said Ebenezer had the small pox at Albany in December last and was afterwards taken ill of a Fever on the Road upon his Return home, whereupon the Petitioner sent a Man and Horse after him, nor did he get home till 40 days after the time he is made up in the Roll. And praying an allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury the sum of Forty five shillings to the petitioner in full for his time & Charges Only as mentioned in the petition. [*Passed April 16.*]

Legislative
Records of the
Council, xxiii.,
703. Mass.
Archives,
lxxix., 683.

Mass.
Archives,
lxxix., 683.
House Jour-
nal, pp. 339, 342.

CHAPTER 420.

ORDER ALLOWING £7 ANNUALLY TO ABIJAH FROST.

A PETITION of Abijah Frost of Springfield Setting forth That he hath for four Years past been employed as a Soldier in the pay of the Province, and that on the 21. day of August while among others employ'd in raising a Battery against the Isle au Noix, he had his right Arm shot off by a Cannon Ball from the Enemy; & being thus deprived of so important a Limb, and having no Estate to depend upon for a Livelihood Praying an allowance.

Read &

Ordered that there be Allowed to the petitioner as an Annual pension the sum of Seven pounds in Consideration of the Loss of his Arm & his other Sufferings mentioned in the petition. [*Passed April 16.*]

Legislative
Records of the
Council, xxiii.,
703. Mass.
Archives,
lxxix., 626.

Mass.
Archives,
lxxix., 624.
House Jour-
nal, pp. 309, 344.

CHAPTER 421.

ORDER GRANTING TO SARAH CUTLER LICENCE TO KEEP AN INN.

A PETITION of John Worthington Esqr in behalf of Sarah Cutler of Western Widow Setting forth That her late Husband at the time of his Death kept a Tavern in the House where she now dwells; and praying that as such a Tavern is much wanted in said place, the

Legislative
Records of the
Council, xxiii.,
704. Mass.
Archives, cxi.,
500.

Mass.
Archives, cxi.,
498. House
Journal,
pp. 341, 342.

Court of General Sessions of the peace for the County of Worcester may be impowered at their next Sessions to grant her a License to keep a Tavern in said House.

Read &

Ordered That the Prayer of the foregoing Petition be granted & that the Justices of y^e Court of Gen^l Sessions of y^e Peace in the County of Worcester at their next sessions in may next be & hereby are impowred to grant y^e said Sarah a License to keep a Tavern as pray'd for she conforming to the Directions of y^e Laws of this province & producing y^e approbation of y^e Select Men in said Western. [*Passed April 16.*]

CHAPTER 422.

VOTE IN REGARD TO THE TIME AND CONDITIONS OF SERVICE OF THE 3,000 MEN.

Legislative
Records of the
Council, xxiii.,
704. Mass.
Archives,
lxxix., 686.

House Jour-
nal, pp. 337, 339,
344. *Ante*,
p. 721, chap.
356.

THIS COURT taking into Consideration his Excell^y Message of the 15 Cur^t Importing his Excel^{cy} General Amherst assurances to this Court that the 3,000 men to be raised in this province for his Maj^s Service as by the Resolves of this Court of the 4th Currant Shall not be Employed or Sent Southwest of Dalaware River and that they may probably be returned much Sooner than the first of July 1762. the time for which they were Voted and in Case of a peace as much Sooner as the security of his Maj^s Dominions & Conquests in North America Shall be Effectuated.

Voted that this Court do In full Confidence of the assurances given in S^d Message Agree to the Terms therein proposed anything in the Resolve of this Court notwithstanding Provided the time for dismissing the three thousand Men be not extended beyond the first of July 1762. [*Passed April 16.*]

CHAPTER 423.

RESOLVE AND ORDER ERECTING DIVERS INHABITANTS OF THE SECOND AND THIRD PARISHES IN NEWBURY WITH THEIR ESTATES INTO A SEPARATE PARISH.

Legislative
Records of the
Council, xxiii.,
705.

House Jour-
nal, pp. 141, 320,
347, 348.

THE COMMITTEE appointed the 10. Instant on the Petition of Moses Little and others of Newbury praying as entered 3^d of Jan^y last to be erected into a distinct Parish including all the Lands within the following Lines viz^t beginning at the Northeast Corner of M^r Moses Moodys Land by Merrimack River thence by the said Moodys Land on the Southerly Side to the Country Road, thence Eastward to Toppans Lane and down to the Westerly end of the said Lane thence upon a strait Line to the Southeast Corner of Francis Brown's Land to the Southway so called, thence Westerly by the said Way to the Southwest Corner of the second Parish, thence by said Parish to Stephen Sawyers Land on the Northerly Side, thence by said Sawyers Land to the Road nigh his dwelling house thence to John Rogers's Mill dam, thence to the Mouth of Arti-choak River at the River Merrimack together with Cap^{tn} Stephen Ordway and his Estate Reported in favour of said Petition with some exceptions. (Signed) SAM^l WATTS p^r order.

Read and Accepted. And thereupon

Resolved and

Ordered That the Prayer of the Petition be granted, and that the Petitioners and all the Lands within the Lines herein mentioned together with Cap^{tn} Stephen Ordway and his Estate be erected into a distinct Parish excepting the following Persons viz^t

Edward Tappen, Samuel Cook, John Poor, Mary Morgaridge, Elisabeth Pilsbury, William Weed, John Downing, Joseph Downer Andrew Downer John Rogers Jun^r Peter Rogers and Abiel Rogers who with their Lands adjoining to their Dwelling houses are exempted: and that said Petitioners be and hereby are invested with all the Powers and Privileges of other Parishes in this Province. [*Passed April 17.*]

CHAPTER 424.

ORDER SETTING ASIDE REPORT OF REFEREES IN REGARD TO BOUNDARIES OF THE TOWN OF WELLS AND ESTABLISHING THE ANCIENT BOUNDS OF THE TOWN AFORESAID.

ON THE PETITION of Nath^l Hill and Others of the Town of Wells Praying that the Report of the Referrees in a case wherein James Boston is Plaintiff and John Stevens Defendant may be set aside, and that no Judgement be entered thereon but that the old Boundaries of the Lots mentioned in said Petition may be established.

Ordered that the said Report be set aside accordingly and that the Petitioners have leave to bring in a Bill accordingly. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
706.

Legislative
Records of the
Council, xxiii.,
668, 690.

House Jour-
nal, pp. 304, 330,
350. *Ante*,
p. 663, chap.
212.

CHAPTER 425.

VOTE WITH NOTICE ON PETITION OF SELECT MEN OF WESTBORO IN REGARD TO A HIGHWAY.

A PETITION of Jacob Rice and Others Selectmen of Westborough Setting forth That on the Petition of Jonathan Livermore and a few others of said Town, the Court of General Sessions of the Peace for the County of Worcester without ever notifying the Town appointed a Committee to lay out a highway if they thought proper thro' the Land of One Simeon Hayward; That said Committee without giving Notice to any but the Petitioners proceeded to lay out the same allowing said Hayward Twenty Pounds damage and made report to said Court at November Term 1758. which Report was accepted, and the Road established accordingly, which said doings coming afterwards to the knowledge of the said Town and of the said Hayward made application to the same Court at their Session in May 1759. praying that a Jury might be appointed to view another Road which The Town had offered to lay out that would be full as commodious and less expensive, as also that which had been laid out as aforesaid, and determine upon the whole which Road should be established as also with regard to the damage. The said Jury being appointed gave M^r Hayward Forty Pounds damage; but were unanimously of Opinion that the Road offered by the Town was full as Commodious and would cost the Town nothing for the purchase of the Land; yet the former Road was established and Forty Pounds

Legislative
Records of the
Council, xxiii.,
706. Mass.
Archives,
cxxi., 398.

Mass.
Archives,
cxxi., 395.
House Jour-
nal, pp. 198, 304,
321, 349.

damage given to M^r Hayward but the order not yet carried into Execution. And praying that the said Court of Sessions may be directed and impowered to consider the matter anew, or that the said Town be otherwise relieved.

Read &

Voted that the petitioners Serve Jonathan Livermore & others the adverse party with a Copy of this petition that they Shew Cause (if any they have) on the second wednesday of the Next May Session why the prayer thereof Should not be granted. [*Passed April 17.*]

CHAPTER 426.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF JAPHET BICKNELL, AND ALLOWING A NEW TRIAL OF AN ACTION.

Legislative
Records of the
Council, xxiii.,
708. Mass.
Archives,
lxxix., 387.

Mass.
Archives,
lxxix., 382, 386.
Legislative
Records of the
Council, xxiii.,
553, 679, 695.
House Jour-
nal, pp. 170, 319,
341, 346, 353.

A PETITION of Japhet¹ Bicknell of Attleborough Praying as entered the 9th of January for a new trial of an Action commenced against him by Josiah Draper, having been committed to a Committee of both Houses, said Committee reported in favour of the Petition. (Signed) Is^{rs} WILLIAMS & order

The Board resuming the Consideration of the foregoing Report *Order'd* that the same be accepted and that the Petitioner be accordingly allow'd another Tryal by Review of the action mentioned in this Petition, at the Superiour Court of Judicature &c, next to be holden at Taunton in the County of Bristol on the second Tuesday in october next; and the Justices of s^d Court are hereby Impow'd & directed to hear & try the same, & to give Judgment & award Execution thereon: The Petitioner observing the Law directing how actions of Review shall be brought. [*Passed April 17.*]

CHAPTER 427.

VOTE IMPOWERING CAPT. NATHANIEL TREADWELL, TREASURER OF FEOFFEEES OF THE GRAMMAR SCHOOL IN IPSWICH, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
708.

Mass.
Archives,
lviii., 447–449.
House Jour-
nal, pp. 252, 255,
349. Province
Laws, iii., 952,
note.

A PETITION of Daniel Appleton Esqr in the Name and behalf of the Feoffees in trust for the Grammar School in the Town of Ipswich Setting forth That among other donations for the encouraging of Learning in said Town there was a Right of Commonage given them for that purpose, and when the Commons were divided this Right was laid out in five distinct pieces and some of them 4 or 5 Miles distant from others, and one still lyes in common with several other Rights, all which excepting one at a place called Castle Neck Marshes rent but for six shillings a Year, and if obliged to be fenced must bring the Town in debt. And praying leave to sell the other four peices viz^t that at Bush Hill, that at Bartholomew Hill, that at Birch Island and that at Chebacco amounting in the whole to twenty four Acres, and that the proceeds be laid out in other Lands for the use of said School.

[Read and]

Voted that the Prayer of this Petition be so far granted that Cap^{tn}

¹ The House Journal, p. 353, reads, "*Jacob.*"

Nath^l Treadwell Treasurer of the said Feoffees be, and hereby is fully authorized and empowered to made sale of the four first mentioned peices or parts of said Common Right in said Petition viz^t those called Bush hill, Bartholomew Hill, Birch Island & Chebacco wood amounting in the whole to twenty four Acres for the most the same will fetch and to make and execute a good and sufficient Deed or Deeds of conveyance thereof and to apply the Monies arising by the Sale thereof under the direction of said Feoffees for purchasing Land at a place called Jeffery's Neck in Ipswich for the use and benefit of the Grammar School in Ipswich for ever, the said Nathaniel Treadwell to be accountable. [*Passed April 17.*]

CHAPTER 428.

ORDER DIRECTING THE ENLISTMENT OF 100 MEN TO COMPLETE THE COMPLEMENT OF PROVINCE SHIP "KING GEORGE."

Ordered that One Hundred men be Enlisted to Compleat the Compliment to Man the Ship King George So as to make in the whole One Hundred & fifty men Including Officers and that the Establishment for S^d Men be the Same as it was the last year to continu In the pay of the Government until the tenth of June next. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
709. Mass.
Archives,
lxvi., 136.

Legislative
Records of the
Council, xxiii.,
709. House
Journal, p. 353.
Ante, p. 745,
chap. 414.

CHAPTER 429.

VOTE DIRECTING THE TOWN OF HANOVER TO PAY £13.2.4 TO SILVANUS WING.

A PETITION of Sylvanus Wing of Hanover of the People called Quakers Setting forth. That he hath during the War never scrupled doing his proportion to the Support thereof. That his Father & one of his Sons have gone in Person, and another Son went a hand in a Transport Vessell and was taken by the Enemy, and afterwards put on board one of his Majesties Ships of War and is still held in the Service; notwithstanding which he is by force of a late law assessed £13.2.4 and another of his Sons £2.11.1

And praying Relief.

Read and

Voted That the prayer of this Petition be So far Granted as that the Town of Hanover be and is hereby ordered Exclusive of Quakers to pay unto the Petitioner Sylvanus Wing the Sum of thirteen pounds two Shillings and four pence being what he is assessed in the assessment mentioned in his Petition. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
710. Mass.
Archives,
lxxix., 541.

Mass.
Archives,
lxxix., 540.
House Jour-
nal, pp. 32, 33,
35, 345, 346.
Province
Laws, iv., 215,
chap. 31; 339,
note.

CHAPTER 430.

ORDER ALLOWING SILAS WILLIS THE WAGES OF HIS SERVANT EPHRAIM SMITH.

Legislative
Records of the
Council, xxiii.,
710. Mass.
Archives,
lxxix., 542.

House Jour-
nal, pp. 333, 348.

A PETITION of Silas Willis of Taunton Setting forth That his Servant Ephraim Smith enlisted as a Soldier in the Pay of the Province under Cap^m Reed, but is made up in the Muster Roll as a Minor under the care of Henry Smith who has been dead 14 Years. And praying that he may be allowed to receive the Wages of his said Servant.

Read & .

Ordered that the Wages of Ephraim Smith as made up in Cap^t Reeds Muster Roll be paid to James Williams Esq^r for the use of the petitioner. [*Passed April 17.*]

CHAPTER 431.

ORDER ALLOWING £3. 15. 4 TO JAM^s EMERSON.

Legislative
Records of the
Council, xxiii.,
710. Mass.
Archives,
lxxix., 507.

Mass.
Archives,
lxxix., 506.
House Jour-
nal, pp. 270, 348.

A PETITION of James Emerson of Haverhill a Soldier in the Pay of the Province Setting forth That on his March from Crown Point to Ticonderoga in December last he had the misfortune to fall thro' the Ice and lose his Pack, that his Life was thereby endangered and his health much impaired, that it took him upwards of 40 days to get home, and praying an allowance.

Read &

Ordered that there be allowed & paid out of the publick Treasury to the petitioner the Sum of Three pounds fifteen shillings & four pence In full for his wages & Sufferings. [*Passed April 17.*]

CHAPTER 432.

VOTE GRANTING TO JOHN WAIT, LICENSE TO KEEP AN INN.

Legislative
Records of the
Council, xxiii.,
711. Mass.
Archives, cxi.,
488.

Mass.
Archives, cxi.,
487. House
Journal, p. 348.

A PETITION of John Wait of Brookfield Setting forth That his Father who kept a public House in said Town died the last Winter: that the House is well situated for the business and That his Father left a good Stock therein suitable for carrying it on. And Praying that the Court of Sessions next to be holden in the County of Worcester may be impowered to license him for that purpose.

[Read and]

Voted that the Prayer of this Petition be granted and that the Court of General Sessions of the Peace to be held at worcester within and for y^e County of worcester on the second Tuesday of may next be and they hereby are Impowered (if they see Cause) to License the Petitioner to keep a Tavern in the House where his Late Father dwelt in Brookfield the Petitioner first obtaining the approbation of the Selectmen of s^d Town. [*Passed April 17.*]

CHAPTER 433.

ORDER ALLOWING £2.17.2 TO JOHN GORHAM, ESQ^R.

A PETITION of John Gorham Esqr Sheriff of the County of Barnstable Setting forth That in 1758 He in pursuance of the Governor's Proclamation apprehended and secured nine Deserters from the Service (of Col^o Dotys Regiment) that the legal Fees for Diet &c amount to £2.17.2 and praying allowance.

Read &

Ordered that the prayer of the petition be Granted & that there be allowed & paid out of the publick Treasury to the petitioner the sum of Two pounds 17/2 In full of his Account. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
711. Mass.
Archives,
lxxix., 509.

Mass.
Archives,
lxxix., 508.
Legislative
Records of the
Council, xxiii.,
499. House
Journal,
pp. 349, 350.
Province
Laws, iv., 227,
note.

CHAPTER 434.

ORDER ALLOWING £8 TO RACHEL RICHARDS.

A PETITION of Rachel Richards in behalf of her husband Thomas Richards who served as Master at Arms aboard the Province Snow Prince of Wales, Setting forth That her said husband was aboard when said Snow was taken, and carried to Louisbourg, from thence to France & did not return till a Year afterwards. And Praying the usual allowance.

Read &

Ordered that the prayer of the petition be So far Granted that there be allowed & paid out of the publick Treasury to Rachel Richards the Sum of Eight pounds In full for her Husband Tho^s Richards Sufferings & Captivity taken from on Board the province Snow prince of Wales. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
711. Mass.
Archives,
lxxvi., 125.

Mass.
Archives,
lxxvi., 124.
House Jour-
nal, p. 272.

CHAPTER 435.

ORDER ALLOWING £8.4.7 TO RICHARD LAW.

A PETITION of Richard Law of Uxbridge a Soldier in 1756 in Cap^m Whites Company of Col^o Ruggles's Regiment, and also in the Year 1757 in Col^o Frye's Regiment. Setting forth his sufferings in both Campaigns, and particularly in the latter when he was taken Prisoner at the Surrender of Fort W^m Henry and carried to Canada. And Praying an allowance therefor, as also for his Son's billeting, and for what he was made up short in the Muster Roll who was likewise a Soldier in 1756.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to Cp^t Sol^o Wood for the use of the petitioner the Sum of Eight pounds 4/7 In full. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
711. Mass.
Archives,
lxxix., 309.

Mass.
Archives,
lxxix., 308.
House Jour-
nal, pp. 165, 346.

CHAPTER 436.

ORDER ALLOWING £5. 10. 8 TO CAPT. GAMALIEL BRADFORD.

Legislative
Records of the
Council, xxiii., 712.

House Jour-
nal, pp. 327, 348.

A PETITION of Cap^m Gamaliel Bradford ¹ of Duxborough. Setting forth That in the Year 1759 having the Command of a Company in Col^o Thomas's Regiment he agreed with Cap^m Ripley of Kingston for their transportation to Castle William their place of Rendevous and hath disbursed on that Account £4.3 – Sterl^s more than the billeting money he has received on their Account And praying an Allowance.

Read &

Ordered That there be allowed and paid out of the public Treasury the Sum of Five Pounds 10/8 to the Petitioner in full ballance of his Acco^t mention'd. [*Passed April 17.*]

CHAPTER 437.

VOTE IMPOWERING SAMUEL BALDWIN, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii., 712.

House Jour-
nal, pp. 308, 346.
Province
Laws, ii., 151,
chap. 10.

A PETITION of Samuel Baldwin of Billerica Guardian to Martha Hosley a Minor in her 8th Year, daughter of John Hosley late of Billerica deceased Setting forth That the said John in his Life time being possessed of a Lot of Land in Narraganset N^o 2 consisting of sixty Acres being unimproved Land, had sold the same, but had not passed a deed thereof; that the Taxes on s^d Land are like to render it of little Value to said Minor when She shall arrive at Age, and praying leave to sell the same.

Upon reading the above Petition

Voted That the Prayer of the said Petition be granted and that Samuel Baldwin Guardian to the said Martha Hosley be hereby authorized and impowered to sell the Lot of Land therein mentioned for the most the same will fetch, and make and execute a good deed or Deeds in the Law for conveying the same, he giving sufficient caution to the Judge of Probate for the County of Worcester, that the money arising by the Sale thereof be paid to the said Martha at her arrival to age together with the Interest that shall become due thereon, he observing the direction of the Law relating to the sale of Real Estates by Executors and Administrators &c. [*Passed April 17.*]

CHAPTER 438.

ORDER IMPOWERING JOHN EPHRAIM, INDIAN, TO SELL LAND.

Legislative
Records of the
Council, xxiii.,
713. Mass.
Archives,
xxxiii., 160.

A PETITION of John Ephraim of Natick Setting forth That by making a considerable purchase of Land, building a House and Barn, setting up a Team, and the Support of an aged Father and the Education and Expence upon his Children he is involved in

¹ The House Journal, pp. 327, 348, reads, "Jr."

debt to his great discouragement. And praying leave to sell forty Acres of unimproved Land under the direction of the Guardians of the Natick Indians in order to discharge his debts.

Read &

Ordered, that the prayer of the petition be granted and that the Petitioner be Impowered with the Consent of the Guardians to the Natick Indians to make Sale of forty acres of his Lands for the most the same will fetch & the proceeds thereof to be apply'd to the uses mentioned In the Petition. [*Passed April 17.*]

Mass.
Archives,
xxxiii., 159.
House Jour-
nal, p. 326.
Ante, p. 241,
76, note.

CHAPTER 439.

ORDER ALLOWING £7.8.9 TO CAPT. WILLIAM ANGIER.

A PETITION of William Angier Setting forth That being a Cap^m in the Pay of the Province in 1758 some of his Men did not return their Guns, and he neglected making the proper Stoppage from their Wages when he made up his Roll whereupon the Stoppage was made from his own Pay, since which four of said Men have returned their Guns for which he was charged £7.8.9 And praying an Allowance.

Read &

Ordered that there be Allowed & paid out of the publick Treasury the Sum of Seven pounds 8/9 to the petitioner It appearing the S^d Arms are returned Into the Commissary Stores. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
713. Mass.
Archives,
lxxix., 510.

Mass.
Archives,
lxxix., 510.
House Jour-
nal, p. 352.
Ante, p. 247,
chap. 89.

CHAPTER 440.

VOTE ALLOWING £15.11.2 TO JAMES HARRINGTON.

A PETITION of James Harrington of Grafton Setting forth That his Servant Daniel Druce inlisted in his Majesties Service in the Pay of the Province in Cap^m Maynards Company, and upon his arrival at Albany was ordered into the Battoe Service in which he remained thro' the whole Campaign. But that said Daniel tho' inlisted & enrolled in Cap^m Maynards Comp^a is made up blank, because as said Cap^m alledges he did not join his Corps thro' the Summer. And praying that he may receive his said Servants Wages according to the Date of his enlistment and Return by M^r Solomon Prentice.

[Read and]

Voted that the Prayer of this Petition of James Harrington be Granted, and that the Treasurer be hereby ordered to pay to the within Named Sollomon Prentice for the Use of the Petitioner the Sum of fifteen Pounds Eleven Shillings and two pence in full of his Said Servants wages within Mentioned. [*Passed April 17.*]

Legislative
Records of the
Council, xxiii.,
715. Mass.
Archives,
lxxix., 357.

Mass.
Archives,
lxxix., 356.
House Jour-
nal, pp. 165, 349.

CHAPTER 441.

ORDER ANNEXING CERTAIN INHABITANTS OF CHARLESTOWN WITH THEIR ESTATES TO THE FIRST PRECINCT IN CAMBRIDGE.

Legislative
Records of the
Council, xxiii.,
705, 714.

Legislative
Records of the
Council, xxiii.,
384, 402. House
Journal, pp. 44,
53, 352, 363, 364.
Ante, p. 519,
chap. 393.

THE COMMITTEE appointed to consider the Petition of sundry Inhabitants of that part of Cambridge lying on the South Side of Charles River with the Answers of the first Parish in Cambridge the Town of Charlestown, and sundry Inhabitants of Charlestown living near Cambridge Meeting house presented their Report,
(Signed) JN^o CUSHING *per* order.

Read and Accepted and

Ordered That the Inhabitants of Charlestown with their Lands included within the Lines following be and hereby are annexed to the first Precinct in Cambridge viz^t

The Salt Water Creek that Runs between the late Lieut. Governor Phips's Farm, and the Farm late of James Miller deceased up to the Bridge called Ballards Bridge, and from thence to the Northwesterly Corner of the Land belonging to John Codman and his Wife, and from thence across the Country Road and the Land of James Pearce to the East End of the middle Lane so called, and from thence up along middle Lane Hill until it comes to the Westerly End thereof, and from thence to the Stone Powder house, and the same Course to Medford Line, and upon all other parts upon Medford and Cambridge Lines unless they shall within two months give security to the Treasurer in the First Parish in said Cambridge for the annual Payment of their equal proportion of the Charges arising in said Parish for the support of the public Worship of God there, so long as they attend the said Worship and until the farther Order of this Court. And that all the Lands belonging to any Inhabitants of said first Precinct included within any of the Bounds aforesaid be for the future taxed to the Support of the Ministry in said first Parish until this Court shall otherwise order.

And it is further ordered that the Petitioners who live on the South Side of said River together with such of the aforesaid Inhabitants of Charlestown as have not Pews in the New Meeting house in said Parish be excused paying any part of the charges already incurred by the Parish in building the said House and that the Committee of those who congregate on the South Side of said River from time to time draw out of the Treasury of said first Parish the Sum of Fifty two pounds lawful money yearly and every year for the Support of preaching in the said Meeting house on the South Side of said River until this Court shall otherwise Order. [*Passed April 18.*]

CHAPTER 442.

ORDER ALLOWING £170 TO SAM^l GRIDLEY, COMMISSARY.

Legislative
Records of the
Council, xxiii.,
719. Mass.
Archives,
lxxix., 225.

A PETITION of Samuel Gridley a Commissary appointed for delivering Provisions to the Soldiers in the Expedition against Crown Point commanded by General Winslow in 1756. Setting forth That he hath advanced £351.13.6 to the Soldiers in lieu of their Over-

plus Provisions and back allowance which hath been a great saving to the Government as said Provisions including the Transportation would have amounted to upwards of £1,400 and that he hath made no Advantage to himself by this Transaction and is willing to answer any interrogatories touching the same. And praying that he may be reimbursed said Sum, and allowed what shall be judged reasonable for his being thus long in advance.

Read &

Ordered that the prayer of the petition be so far granted that there be allowed & paid out of the publick Treasury to the S^d Sam^l Gridley the Sum of One Hundred & Seventy pounds in full of his Account. [*Passed April 18.*]

Mass.
Archives,
lxxix., 224.
House Jour-
nal, pp. 64, 196,
335, 342, 347.

CHAPTER 443.

ORDER ALLOWING £16 TO OLIVER PARTRIDGE ESQ^R.

Ordered that there be allowed and paid out of the public Treasury to Oliver Partridge Esqr the Sum of Sixteen Pounds in full for his Services as Clerk of the House of Representatives. [*Passed April 18.*]

Legislative
Records of the
Council, xxiii.,
720.

House Jour-
nal, pp. 358, 360.

CHAPTER 444.

RESOLVE AND ORDER ANNEXING A CERTAIN HIGHWAY TO THE DISTRICT OF PALMER.

WHEREAS by one Law of this province made in 1760 a Certain part of the then Township of Brimfield was Erected into a separte & Distinct District by the Name of Monson bounding as follows Viz beginning at the Ford Way of Chicobee River at Benj^a Cotton's the Westerly side, thence running a direct Course to a Chesnut Tree standing a little northerly of a House belonging to the Heirs of Ezra King Dec^d; Thence South 8^{dg} West to y^e Southerly Line of s^d Brimfield & so extending West on y^e Colony Line to Springfield Bounds, Thence Northerly to the Country Road that goes from Boston to Springfield from thence as y^e Country Road runs to the Bridge that crosses sd River, & as the said River runs to the place first mention^d and Whereas afterwards an order passed this Court That the Inhabitants together with all the Lands Lying in the s^d town of Brimfield North of y^e Country Road leading from Boston to Springfield be set off to the District of palmer by the Bounds following Viz beginning at the Bank of Chicobee River at the North side of y^e Country Road by y^e Foot of Scots Bridge so call^d then following s^d Road & bounding South thereon to Springfield Line afores^d, then turning up s^d River bounding Northerly & Easterly thereon to the Bridge afores^d

Legislative
Records of the
Council, xxiii.,
720. Mass.
Archives,
cxxi., 399.

Legislative
Records of the
Council, xxiii.,
307, 313. House
Journal, p. 325
(1759-60);
pp. 355, 356.
Province
Laws, iv., 334,
chap. 39; 361,
note.

And Whereas a Doubt arises whether the s^d Country Road from Springfield to Boston afores^d Viz That part thereof which lies between y^e East Bounds of s^d Springfield & y^e Bridge afores^d be in s^d Palmer or s^d Monson or rather whether It be in Either or they oblig^d to amend or repair y^e same & In Consequence thereof Each of s^d Districts refuse to repair y^e Same tho greatly out of Repair and

Whereas by s^d order a Considerable Addition of Inhabitants is made to s^d Palmer

Therefore

Resolved & Ordered that y^e said High Way from y^e said East Line of s^d Springfield to s^d Bridge be & hereby is Set off & annexed to y^e s^d District of palmer & made part thereof & that y^e Southerly Line of that part of s^d Palmer that was heretofore part of s^d Brimfield shall bound Southerly on y^e South Side of y^e Same Country Road any thing in the afores^d Act being otherwise notwithstanding & that s^d District of palmer be obliged to repair & amend y^e Same for y^e future as part of y^e High Way of s^d District as often as y^e Same stands in Need of Repairs. [*Passed April 18.*]

CHAPTER 445.

ORDER ALLOWING THE ACCOUNTS OF THE GUARDIANS OF MATTAKESSETT INDIANS.

Legislative
Records of the
Council, xxlii.,
722. Mass.
Archives,
xxxlii., 163.

AN ACCOUNT of Josiah Edson Esqr & Others Guardians of the Mattasket Indians in the County of Plimouth being laid before the Court for their allowance.

House Journal, pp. 284, 356,
357. *Ante*,
p. 241, chap. 76,
note.

Ordered that the Guardians within Mentioned be discharged of the sum of Nineteen pounds 11/ & that they be Still accountable for the sum of one Hundred & sixty two pounds 19/ 7½ & the Interest thereof from the 8th of March 1760. [*Passed April 18.*]

CHAPTER 446.

ORDER ALLOWING £5 TO RUFUS HAYWARD.

Legislative
Records of the
Council, xxlii.,
722. Mass.
Archives,
lxxix., 481.

A PETITION of Rufus Hayward of Stoughton Setting forth That being a Soldier in the pay of the Province the last campaign, he was taken down with the small pox at Crownpoint a few days before the Provincials were dismissed, and did not get home till the 27 Feb^{ry} and Praying an Allowance for his loss of time and Expences.

Mass.
Archives,
lxxix., 480.
House Journal,
p. 359.

Read &

Ordered that there be Allowed & paid out of the publick Treasury to the petitioner the Sum of five pounds In full for his time & Charges Mentioned In the petⁿ. [*Passed April 18.*]

CHAPTER 447.

VOTE THAT THE SPIRITUOUS LIQUORS USED AT CASTLE WILLIAM BE FREED FROM EXCISE DUTIES.

Legislative
Records of the
Council, xxlii.,
722. Mass.
Archives,
lxxix., 621.

A PETITION of John Larrabee Lieutenant of Castle William Setting forth That he hath resided at said Fortress for Forty Years and upwards, during which time it hath been the priviledge of the Person in his Station to supply the Garrison, and transient People with

Spirituos Liquors, besides which, his entertaining of Strangers of better Rank has been somewhat expensive to him.

That he imagines it was not the Design of the Government to make him chargeable with the Duties of Excise, tho' by the letter of the Law the Collector thinks himself bound to demand it of him. And praying that he may be relieved.

Voted that the Prayer of this Petition Be So far Granted as that the Collector of the Excise for the County of Suffolk be & is hereby Directed not to Demand of the Petitioner any Excise on Spirituous Liquours used or Disposed of by him By Retail at his majesties Castle William & that he be freed from all obligation to pay the Same. [*Passed April 18.*]

House Jour-
nal, pp. 343, 355.
Province
Laws, iv., 305,
chap. 28; 356,
note.

CHAPTER 448.

VOTE IMPOWERING JOHN MELVILL, ADM^R, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Melvill Admin^r of the Estate of Allan Melvill late of Boston Merchant deceased Setting forth That the said Intestate died seized of a Wooden House and Land thereto belonging in Green Lane in Boston, leaving only one Child a Youth of about ten Years of Age. That the Guardian of said Child as well as the Petitioner is of Opinion that it would be more for the Childs advantage to have said House sold and the money arising by said Sale improved at Interest. And Praying leave to sell the Same accordingly.

[Read and]

Voted that the prayer of this Petition be granted; and the Petitioner John Melvill in his Capacity of Administrator as aforesaid is hereby empowered to make Sale of the House and Land mentioned in the Petition for the most advantage, and to make and execute a good deed or deeds of Conveyance thereof, he pursuing the Rules of the Law relating to Sale of Real Estates by Executors and Administrators, and giving sufficient security to the Judge of Probate for the County of Suffolk, that the proceeds of said Sale shall be applied to the use and benefit of the Heir and only Child of the Intestate Allan Melvill. [*Passed April 18.*]

Legislative
Records of the
Council, xxiii.,
723.

House Jour-
nal, pp. 309, 362.
Province
Laws, ii., 151,
chap. 10.

CHAPTER 449.

ORDER ALLOWING £30 TO M^R THO^S GOLDTHWAIT.

Ordered That there be allowed and paid out of the Province Treasury to M^r Thomas Goldthwait the Sum of Thirty Pounds in full for his Service in making a Table to the Province Laws. [*Passed April 18.*]

Legislative
Records of the
Council, xxiii.,
724.

House Jour-
nal, pp. 285, 360.

CHAPTER 450.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON
TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF SUFFOLK AND
ALLOWING 10/ 4 FOR THE EXPENSE THEREOF.

Legislative
Records of the
Council, xxiii.,
724.

House Jour-
nal, pp. 258, 361.
Ante, p. 687,
chap. 266.

THE COMMITTEE appointed to farm out the duties of Excise on Tea, Coffee & China Ware in the County of Suffolk for the Year 1761 Reported That they had Sold the same to M^r William Story of Boston for four hundred and sixty two Pounds and prayed allowance of their Expences.

[Read and]

Ordered That the within Report be accepted, and that there be allowed and paid out of the public Treasury to said Committee the Sum of Ten shillings and four pence in full for their Expences.
[*Passed April 18.*

CHAPTER 451.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY DRAFT OF
GOVERNOR FAUQUIER FOR £527. 2. 2.

Legislative
Records of the
Council, xxiii.,
725. Mass.
Archives,
lxxix., 689.

House Jour-
nal, pp. 310, 357.

Ordered That the Province Treasurer be and hereby is directed on Sight of the Bills that Shall be drawn by Governour Fauquier of Virginia upon his Excellency Governor Barnard for the Sum of £527.2.2 Virginia Currency To Pay the same. It being the Sum advanced by Governour Fauquier & Capt^a Rutledge for the Relief of the troops of this Province under the Command of Cap^t Blake who Put into Virginia in distress in their Return from Louis Burgh Last fall. [*Passed April 18.*

CHAPTER 452.

ORDER IMPOWERING THE COMMITTEE TO DISTRIBUTE FRENCH NEU-
TRALS FOR THE COUNTY OF WORCESTER TO REAPPORTION THE
SAME.

Legislative
Records of the
Council, xxiii.,
725.

House Jour-
nal, pp. 357, 359.
Ante, p. 553,
chap. 477.

A PETITION of the Select men of Mendon Setting forth That the Committee appointed to distribute the French Neutrals so-called in the County of Worcester, have for want of due information (as they apprehend) assigned to the Town of Mendon such only as are soon like to be a public Charge. and praying that said Committee may be impowered to reconsider the matter, and make such alterations in the distribution as they shall judge proper.

Read and

Ordered that the Prayer of the Petition be so far granted, that the Committee mentioned in the Petition be impowered at the charge of the Petitioners to new apportion the French Inhabitants in the County of Worcester if they judge reasonable. [*Passed April 18.*

CHAPTER 453.

VOTES ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

THE FOLLOWING VOTES passed upon the petitions of Sick & Wounded soldiers

Ordered that there be paid out of the publick Treasury

To W ^m Reed	5. 10. 0	for the use of Jonas Peirce In full	Legislative Records of the Council, xxiii., 725. Mass. Archives, lxxix., 688.
To Cap ^t Henry King	2. 10. 0	John Holbrook	Mass. Archives, lxxix., 247, 450,
To Cp ^t Eliphalet Leonard	2. 19. 0	Jonathan Hayward	552, 553, 554–5, 602–3, 662.
To Col Jn ^a Noyce	1. 5. 0	Rich ^d Hard	House Journal, p. 358.
To Sam ^l Philips Esq ^r	3. 7. 0	W ^m Webber	
To Cp ^t Peter Cooledge	5. 0. 0	W ^m Hucker	
To D ^r Tho ^s Porter, ...	12. 0. 0	George Curtis	
To Eben ^t Warrin	9. 2. 0		

[*Passed April 18.*

CHAPTER 454.

VOTE GRANTING TO BENJ^a TUCKER JUN^r LICENCE TO KEEP AN INN.

A PETITION of Benj^a Tucker of Leicester Setting forth That since the time limited by Law for granting Licenses in the County of Worcester, he is come into possession of the House lately occupied by John Taylor, which House hath for a Number of Years past been improved as a Tavern And praying that the Justices of the Court of General Sessions for said County may be impowered to grant his Son Benj^a Tucker a license to keep a Tavern in said House the current Year.

[Read and]

Voted That the Prayer of this Petition be granted & That the Court of general Sessions of the Peace to be held at worcester within and for y^e County of Worcester on the second Tuesday of may next be and they are hereby Impowered to grant a Licence to the within named Benj^a Tucker Jun^r (if they see Cause) to Keep a Tavern in the Town of Leicester in the House Lately Improved for that Purpose by John Taylor Dec^d the said Benj^a first obtaining the approbation of the s^d Selectmen of said Town. [*Passed April 20.*

CHAPTER 455.

ORDER ALLOWING £20 TO ANDREW M^cKENZIE.

A PETITION of Andrew M^cKenzie of Boston Setting forth That he hath at great labour and Expence erected near Milton Bridge the first and only one of its kind in America a Mill for the Hulling of Barley in the same manner as it is done in Europe, which he apprehends may be of great use and advantage to the Province. And praying for some Encouragement in this undertaking.

Read &

Ordered that there be Allowed & paid out of the publick Treasury Twenty pounds to the petitioner to encourage him to Carry on the Manufacture mentioned in the petition. [*Passed April 20.*

Legislative Records of the Council, xxiii., 727. Mass. Archives, lix., 474.

Mass. Archives, lix., 473. House Journal, pp. 252, 319.

Legislative
Records of the
Council, xxiii.,
727. Mass.
Archives,
xiv., 244.

CHAPTER 456.

VOTE REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF
CERTAIN QUAKERS IN REGARD TO TAXES.

Legislative
Records of the
Council, xxiii.,
247. House
Journal,
pp. 245, 268
(1759–60);
pp. 80, 291, 336,
365. Province
Laws, iv., 339,
note. *Ante*,
p. 488, chap.
321.

Voted that the Consideration of the Pet^{rs} of Moses Farnum and Sam^l Aldridge be refer^d till next May Session, and all Actions and Proceedings relative to said Petitions are stayed in the meantime. [*Passed April 20.*]

CHAPTER 457.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY 25/ TO BENJA
LOOMIS.

Legislative
Records of the
Council, xxiii.,
728. Mass.
Archives,
lxxix., 479.

A PETITION of Benjamin Loomis Praying an allowance of some expences occasion'd by the sickness of his Son Enos Loomis a Soldier in the Pay of the Province in Cap^m Fellows's Company of Col^o Rugles's Regiment the last Campaign. •

[Read and]

Mass.
Archives,
lxxix., 479.
House Jour-
nal, p. 367.

Voted, That the Prayer of the Petition be granted, and that the Treasurer pay to David Mosely: Esq^r the sum of twenty five Shillings in full for the Use of the Petitioner. [*Passed April 20.*]

CHAPTER 458.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY £3 TO HOPE-
STILL FOSTER, ADMR.

Legislative
Records of the
Council, xxiii.,
728.

Legislative
Records of the
Council, xxiii.,
467. House
Journal,
pp. 353, 367.
Ante, p. 460,
chap. 245.

A PETITION of Hopestill Foster of Boston Administrator of the Estate of George Hanners late of said Boston deceased. Setting forth That the said George was a Captain in the service of the Province in the Year 1759, and upon the Encouragement given by the Government of a Months Wages extraordinary (being stationed at Cape Breton) agreed to stay the Winter but died there about the latter end of December and the said Bounty hath not been paid. And praying an Allowance.

[Read and]

Voted That the Prayer of the Petition be in part granted: and that the Treasurer be directed to pay the Petitioner in his capacity of Administrator the Sum of Three Pounds in full for the Bounty granted. [*Passed April 20.*]

CHAPTER 459.

VOTE ALLOWING £5 TO JOSEPH HIDES.

Legislative
Records of the
Council, xxiii.,
728. Mass.
Archives,
lxxix., 464.

A PETITION of Joseph Hides of Westfield Setting forth That he enlisted in the Year 1760. and was employed in the Pay of the Province as a Battoe man and Teamster, that when the Army was dismissed he returned home with the small pox upon him and com-

municated that distemper to four other Persons in the Family which has occasioned him great Expence. And Praying Relief.

[Read and]

Voted, That the Prayer of this Petition be granted and that the Sum of five Pounds be allowed and paid out of the publick Treasury to David Moseley Esq^r for the Use of the Petitioner. [*Passed April 20.*]

Mass.
Archives,
lxxix., 464.
House Jour-
nal, pp. 331, 366.

CHAPTER 460.

VOTE GRANTING TO SARAH EDES LICENCE TO KEEP AN INN.

A PETITION of Sarah Edes of Boston Widow Setting forth That her husband died a few Months since, having had a license to be a Retailer and Inholder several Years before his Death. That She hath no other Means of Support and hath obtained the Approbation of the Selectmen of the Town for carrying on the Business. And praying She may obtain a license for that purpose.

[Read and]

Voted that y^e Prayer of this Petition be granted and that the Court of General Sessions of the Peace now holden at Boston within & for y^e County of Suffolk be and they hereby are Impowered (if they see Cause) to grant a Licence to the Petitioner to keep a Tavern in the House where her Late Husband Dwelt she having obtained the approbation of y^e Selectmen of y^e Town of Boston for that Purpose.¹ [*Passed April 20.*]

Legislative
Records of the
Council, xxiii.,
729. Mass.
Archives, cxl.,
492.

Mass.
Archives, cxl.,
491.

CHAPTER 461.

VOTE ALLOWING £4. 4 TO SAMUEL HERRING.

A PETITION of Samuel Herring of Dedham Setting forth That he was a Private in the Pay of the Province in 1760 in Cap^{tn} Martins Company. That on his Return after the Surrender of Mont Real his powder horn accidentally took fire by his Side and blew up, whereby he was much hurt, and was in the Hospital at Crown Point for near six Weeks; that afterwards at New-Meadow Fort he was seized with the Camp Fever from whence he was brought home at great expence, and hath since been under the Doctors Care. And praying Relief.

[Read and]

Voted, That the Sum of Four Pounds four Shillings be paid out of the Treasury to Cap^t Jon^a Metcalf in full for the Use of the Petitioner. [*Passed April 20.*]

Legislative
Records of the
Council, xxiii.,
729. Mass.
Archives,
lxxix., 534.

Mass.
Archives,
lxxix., 533.
House Jour-
nal, p. 367.

¹ Not found in the House Journal.

CHAPTER 462.

VOTE DESIRING THE GOVERNOR TO PUT THE PROVINCE SLOOP AT THE DISPOSITION OF PROF. JOHN WINTHROP TO CONVEY HIM TO NEW-FOUNDLAND TO OBSERVE THE TRANSIT OF VENUS.

Legislative
Records of the
Council, xxiii.,
729. Mass.
Archives, lviii.,
455.

Mass.
Archives,
lviii., 452–454.
Legislative
Records of the
Council, xxiii.,
716. House
Journal,
pp. 362, 366.

IN ANSWER to his Excellency, the Governor's message of the 18th Currant, proposing to the House, to provide for m^r Winthrop's going to observe the Transit of the Planet Venus over the sun's Disc, on the 6th of June next;

Voted, That his Excellency the Govern^r be humbly requested, to direct Capt. Saunders, master of the Sloop¹ in the Province service, to wait on John Winthrop Esq^r Hollisian Professor of Mathematics & Philosophy at the College in Cambridge, & him in said sloop to attend & convey, with the apparatus & other necessaries, to the northeast Part of Newfoundland, or to such place, as said Professor shall Judge proper, And when his observations are compleated & m^r Winthrop shall direct it, that Capt. Saunders attend on & convey m^r Winthrop back to Boston. [*Passed April 20.*]

CHAPTER 463.

ORDER IMPOWERING JOSEPH CURTIS, ADM^r, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative
Records of the
Council, xxiii.,
690.

House Jour-
nal, pp. 201, 326,
327. Province
Laws, ii., 151,
chap. 10.

A PETITION of Joseph Curtis Administrator of the Estate of Jonathan Griffin late of Sudbury deceased and of Moses Goodenow and John Combe Guardians to the Minors, Heirs of the said deceased. Setting forth That it will take the greater part of the deceased's Real Estate to pay his Debts, which will render the Remainder of little value. And praying leave to sell the whole.

[Read and]

Ordered That the Prayer of the Petition be granted; and that the said Joseph Curtis in his said Capacity of Administrator be fully impowered to make sale of the whole of the Real Estate of the deceased for the most the same will fetch, and execute a good deed or Deeds in the Law for conveying the same, he first posting up notifications of the time and place of sale agreeable to the Law relating to Executors and Administrators proceedings in the Sale of Real Estates, and giving sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds arising by the Sale thereof be applied to the payment of the just debts of the said deceased, the Legacies given by the Will of the said deceased, and to the Heirs pursuant to the same Will. [*Passed April 21.*]

¹ Sloop Massachusetts, Capt. Thomas Saunders Master.

CHAPTER 464.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO CAP^T
SAMUEL GLOVER THE SUM DUE HIM.

House Jour-
nal, p. 305.
Mass.
Archives,
lxxix., 687.

A PETITION of *Samuel Glover*, praying he may be allowed to re-
ceive out of the Treasury the Sum stopped in the Captain's Column
in his Roll, for the Reasons mentioned.

Advised &

Ordered That the Treasurer pay to Capⁿ Samuel Glover the Sum
due to him upon his Roll in 1759, the Stoppage of the same ordered
in Nov^r 1759 notwithstanding.¹ [*Passed** *April 21*.]

Legislative
Records of the
Council, xxiii.,
258, 281.
Executive
Records of the
Council, xiv.,
394. House
Journal,
pp. 279, 290
(1759–60), 305.

CHAPTER 465.

ORDER ALLOWING £27 TO WILLIAM BAKER.

A PETITION of William Baker, Doorkeeper to the Court Setting
forth his extraordinary Service and Attendance in the present con-
juncture of Affairs, as well in the recess of the court in notifying
Councils, providing Expresses &c as during the Sessions of the same.
And praying an allowance.

Legislative
Records of the
Council, xxiii.,
730.

House Jour-
nal, pp. 367, 368.

Read &

Ordered That the sum of Twenty seven Pounds be allowed and
paid out of the public Treasury to the Petitioner in consideration
of his extraordinary services in his Station. [*Passed* *April 21*.]

CHAPTER 466.

ORDER ALLOWING £25 TO ROLAND COTTON, ESQ^R.

Ordered That the Sum of twenty five pounds be paid out of the
public Treasury to Roland Cotton Esqr for his Service as Clerk in
the time of the sickness of the late Henry Gibbs Esq^r. [*Passed*
April 21.]

Legislative
Records of the
Council, xxiii.,
730.

House Jour-
nal, pp. 222, 368,
369.

CHAPTER 467.

VOTE REFERRING ALL UNFINISHED MATTERS.

Voted that all matters which had day at this Session and have
not been passed upon have the same day at the next Session of this
Court. [*Passed* *April 21*.]

Legislative
Records of the
Council, xxiii.,
731.

House Jour-
nal, p. 368.

¹ Record of House action not found; reference to Executive Records of Council, xiv.,
394, shows a warrant to have been drawn for £204.5.10 in payment thereof.

CHAPTER 468.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED ON THE DISTRIBUTION OF FRENCH NEUTRALS FOR THE COUNTY OF MIDDLESEX AND ALLOWING THE ACCOUNT OF CHARGES THEREON.

Legislative
Records of the
Council, xxiii.,
732. Mass.
Archives,
xxiv., 468.

Mass.
Archives,
xxiv., 463.
Ante, p. 553,
chap. 477.

THE COMMITTEE appointed by the Great and General Court to apportion and distribute the French Neutrals among the several Towns in the County of Middlesex have effected the same in manner as set forth in the List or Schedule aforegoing, and have caused them to be placed in the respective Towns to which they are assigned, and have notified the Selectmen of each Town of the number and Names of the Persons assigned them as their proportion; and such of the French People as by order of Government were to be removed from the County of Middlesex to other Counties, have been sent thither accordingly. (Signed)

S. DANFORTH	} Com ^{ee}
W ^m BRATTLE	
SAM ^l LIVERMORE	
JA ^s RUSSELL	

Read, and accepted and

Ordered that the annexed Acc^t of Charges for the removal of the French Neutrals be allowed.¹ [*Passed April 21.*]

¹ No record of this chapter found in the House Journal.

INDEX OF NAMES.

[767]

INDEX OF NAMES.

A.		PAGE		PAGE
Abbot, Capt. —, ...		318	Allen, John, ...	585
Abbot, Abiel, ...		605	Allen, John, ...	588
Abbot, Jesse, ...		731	Allen, Jonathan, ...	677, 705
Abbot, Moses, ...	487,	681	Allen, Mary, ...	620
Abbot, Nathan, ...		743	Allen, Obadiah, ...	594
Abbot, Peter, ...		724	Allen, Silas, ...	594
Abercrombie, Gen. —, ...	231, 235, 237, 238, 323 <i>bis</i> , 406, 407 <i>bis</i> , 479, 571		Allen, Thomas, ...	248, 619, 620
Abercrombie, Maj.-Gen. —, ...		572	Allen, William, ...	82
Abercrombie, James, ...		596	Allen, William (son of William Allen of Grafton), ...	82
Adams, Capt. —, ...		346, 629	Alvord, Gideon, ...	186
Adams, Abraham, ...		709	Alvord, John, ...	289
Adams, Rev. Amos, ...		648	Alvord, Saul, ...	289
Adams, Azuba, ...		709	America, ...	535, 761
Adams, Daniel, ...		110	Ames, Moses, ...	34
Adams, Elisha, ...	635, 743, 744		Ames, Dr. Nathaniel, ...	66
Adams, Capt. Elisha, ...		725	Amherst, District of, ...	402
Adams, Ephraim, ...		214	Amherst, Gen. —, ...	309, 408, 506, 525, 557, 653, 722, 730, 748
Adams, John, ...		711	Ammidown, Joseph, ...	642
Adams, Mercy, ...	153, 496		Andover, (selectmen of), ...	744
Adams, Nathaniel, ...		575	Andrew, Israel, ...	586
Adams, Richard, ...		711	Andrews, Capt. —, ...	337, 626
Adams, Samuel, ...		496	Andrews, David, ...	444
Adams, Samuel (of York), ...		711	Andrews, Capt. James, ...	427
Adams, Stephen, ...	214, 215		Andros, Capt. —, ...	469
Adlington, Joseph, ...		577	Andross, Ebenezer, ...	450
Adlington, Matthew, ...		577	Angier, Urian, ...	424
Agawam Meadow, ...		95	Angier, Capt. William, ...	755
Agawam River, ...		95	Annapolis, ...	484, 558, 661, 726 <i>ter</i> , 746
Agawom River (<i>see</i> Agawam River).			Annapolis Royal (<i>see</i> Annapolis).	
Aken, —, ...		466	Ann Street, Boston, ...	295
Aken, Benjamin, ...		76	Appleton, Daniel, ...	376 <i>bis</i> , 750
Akin, —, ...		554	Appleton, Joseph, ...	180
Akin, Christopher, jr., ...		588	Apthrop, Charles, ...	107, 608
Albany, 14, 28, 29, 53, 108, 139, 199, 235, 238, 274, 303, 332, 336 <i>bis</i> , 337 <i>bis</i> , 356, 358, 385, 435, 450, 452, 466, 469, 478, 485, 490, 492, 498, 499, 520, 548, 556, 575, 584, 591, 592, 598, 604, 619, 658, 673, 714, 715, 720, 721, 740, 747, 755			Arbuthnott, Capt. —, ...	279, 385, 486, 600
Albany, County of, ...		236	Arbuthnott, Col. —, ...	585
Albee, Abigail, ...		346	Arrowsick, ...	600
Albert, Abigail, ...		75	Arther (<i>see</i> Arthur).	
Albert, Daniel, ...	75, 76		Arthur, Thomas, ...	233, 324, 500
Albert, Daniel, jr., ...		75	Artichoke River (<i>see</i> Artichoke River).	
Albert, Frederick, ...		75	Artichoke River, ...	748
Albert, Peninah, ...		75	Ashley, Maj. —, ...	439
Albit, Daniel, ...		588	Ashley, Dr. Israel, ...	587
Aldrich, Peter, ...		732	Ashley, John, ...	261, 610
Aldrich, Samuel, ...	670, 762		Ashley, Maj. John, ...	386
Alexander, Giles, ...		711	Ashley, Joseph, jr., ...	355
Allen, —, ...		306	Ashley, Margaret, ...	587
Allen, Abigail, ...		620	Ashton, Jacob, ...	49, 197, 453, 734
Allen, Amos, ...		199	Ashuelot Equivalent Lands, ...	374
Allen, David, ...	619, 620		Askenunsuck Neck, ...	409
Allen, Ebenezer, ...		248	Asen, Reuben, ...	103
Allen, George, ...		477	Athearn, James, ...	689, 727, 743
Allen, Isaac, ...	392, 620		Athearn (<i>see</i> Athearn).	
			Atherton, Consider, ...	731
			Atherton, Peter, ...	504
			Atherton, Phineas, ...	331
			Atkins, Henry, jr., ...	176
			Atkins, Joshua, ...	11

	PAGE		PAGE
Atkinson, Elizabeth, ...	737	Baker, Edward, ...	209, 241, 570
Attleborough, ...	248, 368	Baker, Isaac (an Indian), ...	618
Attorney General, ...	25	Baker, Joseph, ...	113, 387
Atwood, Benjamin, ...	447	Baker, Richard, ...	53, 138
Atwood, Joanna, ...	447	Baker, Samuel (of Charlton), ...	572
Atwood, Nathaniel, jr., ...	354	Baker, Samuel (of Ipswich), ...	130
Atwood, William, ...	331	Baker, Timothy, ...	743
Austen, Deborah, ...	280	Baker, William (doorkeeper), 126, 221, 266, 330, 477, 525, 653, 765	
Austen, Ebenezer, ...	280	Baker, William (in London), ...	53
Austin, Anthony, ...	23	Baleh, David, ...	336
Ayers, William, ...	537	Baleh, John, ...	336
Ayres, Edward, ...	227	Baldwin, David, jr., ...	459
Ayres, Edward (administrator of Edward Ayres), ...	227	Baldwin, Isaac, ...	255
Ayres, Jedediah, ...	227	Baldwin, James, ...	270
		Baldwin, Samuel, ...	754
		Baldwyn (see Baldwin).	
B.		Ball, Capt. —, ...	244, 268, 282
Babbidge, Christopher, ...	50	Ball, Maj. —, ...	734
Babbidge, John, ...	50	Ball, Hannah, ...	512, 615
Babbidge, Lydia, ...	50	Ball, Isaac, ...	731
Babbidge, Mehetabel, ...	50	Ball, James, ...	322
Babbitt, Abel, ...	513	Ball, Jeremiah, ...	314
Babbitt, Elizabeth, ...	588	Ball, Jeremiah, jr., ...	382
Babbitt, Jacob, ...	146	Ball, John, ...	571
Babbitt, Jonathan, ...	513	Ball, John (of Worcester), ...	322
Babbitt, Dr. Seth, ...	588	Ball, Lydia, ...	322
Babcock, Jason, ...	109	Ball, Robert, ...	94, 277, 301, 324, 440, 643
Bacon, Capt. —, 331, 346, 384, 392, 407, 554, 558		Ball, Thomas, ...	512, 615
Bacon, Capt. — (of Dedham), ...	435	Ballard, Nathaniel, ...	226
Bacon, Ebenezer, ...	102	Ballard's Bridge, ...	756
Bacon, Edward, ...	226	Bancraft, John, ...	457
Bacon, Edward (guardian of Hassanimisco or Grafton Indians), ...	241	Bancraft, Mabel, ...	457
Bacon, Edward (of Barnstable), 58, 122, 159, 180, 253, 702		Bancroft, Edmund, ...	542
Bacon, Jabez, ...	58	Bancroft, Rachel, ...	542
Bacon, James, ...	743	Bangs, Abijah, ...	726
Bacon, James (of Roxbury), ...	339	Barce, Oston, ...	469
Bacon, Jonathan, ...	58, 243, 436, 627	Bardin, James, ...	680
Bacon, Joseph, ...	683	Bardwell, Asubah, ...	723
Bacon, Oris, ...	408	Bardwell, Ebenezer, ...	741
Bacon, Retior, ...	743	Bardwell, John, ...	723
Bacon, Simeon, ...	113	Bardwell, Jonathan, ...	569
Bacon, William, ...	683	Bardwell, Moses, ...	723
Badger, Rev. —, ...	725	Barker, Daniel, ...	168
Bagley, Col. —, 63, 145, 319, 323, 424, 506, 552, 577, 590, 630		Barker, Ebenezer, ...	346, 392
Bagley, John, ...	22	Barker, Joseph, ...	188, 347
Bagley, Col. Jonathan, ...	336, 720	Barker, Joshua, ...	731
Bagley, William, ...	336	Barker, Philemon, ...	346
Bailey, —, ...	385, 534	Barnard, Jonathan, ...	120
Bailey, Capt. —, ...	299	Barnard, Jonathan (son of Jonathan Barnard), ...	120
Bailey, Benjamin, ...	71	Barnard, Capt. Selah, ...	518, 520, 592
Bailey, Edmund, ...	118, 731	Barnes, Comfort, ...	53
Bailey, Capt. Enoch, ...	215	Barnes, Richard, ...	179
Bailey, John, ...	331	Barnes, Sarah, ...	53
Bailey, John (of Newbury), ...	257	Barney, Abigail, ...	577
Bailey, Jonathan, ...	467	Barney, Jonathan, jr., ...	282
Bailey, Joseph, ...	92	Barney, Martin, ...	577, 578
Bailey, Joshua, ...	220, 257	Barnstable, ...	58, 174, 184, 353, 728
Bailey, Joshua, jr., ...	257	Barnstable County, 51, 55, 58, 59, 69, 73, 97, 119, 122, 174, 179, 180, 184, 199, 210, 253, 342, 353, 404, 408, 414, 422, 459, 503, 554, 555, 582, 688, 728, 736, 737	
Bailey, Moses, ...	731	Barrett, Bartholomew, ...	450
Bailey, Moses (of Methuen), ...	740	Barrett, James (of Concord), ...	527
Bailey, Priscilla, ...	257	Barrett, James (of Malden), ...	303, 304
Bailey, Richard, 70, 142, 165, 179, 183, 331, 628, 708, 724		Barrett, Capt. James, ...	34, 40, 42, 118, 186
Bailey, Samuel, ...	743	Barrett, Joseph, ...	467
Bailey, Stephen, ...	220, 227	Barrett, Phebe, ...	467
Baker, David, ...	375	Barrett, Samuel, ...	356

	PAGE		PAGE
Barrett, Timothy, ...	40	Bethune, Nathaniel, ...	408
Barron, Abner, ...	386	Bicknall, Japhet, ...	750
Barron, John, ...	387	Bigelo, Biglo (<i>see</i> Bigelow).	
Barron, Jonathan, ...	542, 543	Bigelow, —, ...	392
Barrow, Moses, ...	187	Bigelow, Benjamin, ...	82
Barrow, Seth, ...	187	Bigelow, Moses, ...	336
Barrs, George, ...	528	Biles, Jonathan, ...	346
Barstow, Thomas, ...	26	Bill, Richard, ...	64, 104
Bartholomew Hill, ...	750, 751	Billerica, ...	429
Bartlet, Edmund, ...	658, 725	Billing (<i>see</i> Billings).	
Bartlet, John, ...	187, 207	Billing, —, ...	386, 464, 575
Bartlet, Richard, ...	373	Billing, Rev. Edward, ...	569
Barton, Caleb, ...	153	Billing, Fellows, 113, 165, 179, 226, 370, 518, 710, 725	
Bascombe, Samuel, ...	53	Billing, Lucy, ...	569
Bass, Samuel, jr., ...	340	Billings, Capt. —, ...	419, 495
Basset, Bathsheba, ...	291, 368	Billings, Joseph, ...	178, 241
Batcheller, Jonathan, ...	724	Billingsgate, ...	159
Bates, Benjamin, ...	502	Billingsgate Point, ...	276
Bates, Simon, ...	628	Birch Island, ...	750, 751
Bates, Solomon, ...	502	Bird, Ebenezer, ...	714
Bathrick, John, ...	131	Bishop, Daniel, ...	279
Bathrick, Solomon, ...	145	Bishop, Joseph, ...	550
Battle, Jonathan, ...	288, 289	Bixby, Jonathan, ...	586
Battle, Jonathan, jr. (of Dedham), ...	288	Black, Capt. Edward, ...	605
Battle, Love, ...	288	Black Point River, ...	277
Battle, Timothy, ...	289	Blackman, Mary, ...	113
Baty, Samuel, jr., ...	549	Blair, Robert, ...	19
Bayley (<i>see</i> Bailey).		Blaistead (<i>see</i> Plaisted).	
Beal, Capt. Benjamin, ...	208	Blake, Capt. —, ...	760
Beal, Capt. Josiah, ...	189, 190	Blake, Capt. Edward, ...	552
Beale (<i>see</i> Beal).		Blake, Jeremiah, ...	32
Beaman, Ephraim, ...	94	Blandford, ...	249, 341, 553
Beaman, Ezra, ...	244, 714	Blaney, William, ...	683
Beaman, Jabez, ...	94, 244	Blashfield, Luke, ...	444
Beaman, Josiah, ...	113	Bliss, Abraham, ...	331
Beaman, Lois, ...	94	Bliss, Capt. Luke, ...	421
Beamis, John, ...	392	Blodget, Joseph, ...	40
Bear, Capt. John, ...	731, 744	Blodget, Samuel, ...	720
Beard, Ebenezer, ...	293	Blodget, Thomas, ...	715
Beard, Thomas, ...	7, 93, 208	Bloggett (<i>see</i> Blodget).	
Bearse, Lemuel, ...	331	Blood, Nathaniel, ...	731
Bease, Capt. John, ...	241	Blood, Simon, ...	131
Beaudree, Beaudroe (<i>see</i> Beaudrie).		Bly, Ebenezer (Stephen Bly), ...	22
Beaudrie, John, ...	736, 737	Boardman, —, ...	25, 41, 225, 387, 522
Beeman, Beman (<i>see</i> Beaman).		Boardman, Andrew, ...	252, 421, 690
Beers, Elnathan, ...	273	Boardman, Joshua, ...	134
Belcher, Gov. Jonathan, ...	484, 587	Bollan, William, 96 <i>bis</i> , 138, 170, 228, 263, 268, 292 <i>bis</i> , 334 <i>bis</i> , 488, 489, 577, 596, 601, 608, 611, 639, 694	
Belknap, Jeremiah, ...	294	Bolton, ...	94, 341
Belknap, Joseph, ...	113, 294	Bond, William, ...	318
Belknaps Alley, Boston, ...	523	Bonney, Ebenezer, ...	424
Bell, Thomas, ...	648	Bonney, Isaac, ...	27
Bellingham, ...	157	Booth, John, ...	679
Bellows, Joseph, ...	426	Booth, Mary, ...	679
Bement, John, ...	113	Bootman, Daniel, ...	731
Benjamin, Abel, ...	518	Bordman (<i>see</i> Boardman).	
Benjamin, Caleb, ...	518	Bordwell (<i>see</i> Bardwell).	
Bennet, David, ...	261	Boston, 18, 27, 40, 41, 51, 61, 66, 73, 89, 95, 96, 97, 104, 112, 115, 176, 194, 198, 239, 240, 241, 251, 269, 272, 273, 295 <i>bis</i> , 306, 308, 317, 372, 387, 404 <i>bis</i> , 429, 436, 440, 447, 453, 494, 497, 502, 506, 519, 522, 523, 526, 527, 536, 539, 540, 546, 582, 595, 598, 600, 602, 615, 616, 619, 634, 649, 681, 685, 693, 701, 757, 763, 764	
Bennet, Moses, jr., ...	287	Boston, James, ...	616, 749
Bennet, Capt. Peter, ...	116	Bosworth, Ephraim, ...	300
Bennet, William, ...	239	Bothaw, William, ...	471
Benson, Benoni, ...	596	Bourn, Capt. —, ...	740
Benson, John, ...	373		
Benson, Joseph, ...	676		
Bents, Capt. Lemuel, ...	599		
Berkley, ...	85, 86		
Bernard (<i>see</i> Barnard).			
Bernard, Gov. Francis, 617, 653, 674, 691, 692, 721, 722, 731, 745, 748, 760, 764			
Berwick, ...	46, 446, 691, 698		

	PAGE		PAGE
Bourn, Sylvanus, 51, 122, 210, 241, 253, 422, 452, 555, 582, 688, 736, 737		Bridgewater, ...	36
Bourn, Capt. Sylvanus, ...	553	Bridgham, Abigail, ...	669
Boutin, —, ...	215	Bridgham, Joseph, ...	669
Boutwell, Ebenezer, ...	179	Briggs, Elijah, ...	725
Boutwell, Ebenezer (of Framingham), ...	87	Briggs, Elisabeth, ...	32
Bowdoin, James, ...	41, 63, 471, 523	Briggs, Jacob, ...	436
Bowdoin, William, ...	429, 430	Briggs, John, ...	685
Bowen, —, ...	506	Briggs, John (son of John Briggs), ...	685
Bowen, Col. —, ...	550	Briggs, Matthew, jr., ...	113
Bowen, Ashley, ...	544	Brigham, Dr. —, ...	145
Bowers, —, ...	591, 681, 705	Brimfield, ...	152, 444, 540, 570, 584, 757
Bowers, Jerathmeel, ...	405, 445	Brinley, Francis, ...	615
Bowers, Joshua, ...	185	Bristol County, 9, 20, 22, 48, 84, 100, 101, 119, 122, 146, 149, 150, 171, 230, 253, 256, 305, 342, 350, 368, 377, 390, 396, 406, 422, 454 <i>bis</i> , 477, 521, 537, 554, 555, 568, 578, 590 <i>bis</i> , 628, 668, 690, 750	
Bowers, Sarah, ...	185	Broadbay (Waldoborough, Me.), 18, 40, 211, 328, 512	
Bowers, William, ...	162	Broadstreet, Joseph, ...	724
Bowker, Lazarus, ...	697	Bromfield, Abigail, ...	95, 96
Bowker, Micah, ...	406	Bromfield, Edward, ...	95, 96
Bowman, Jonathan, ...	705	Bronson, William, ...	450
Bowman, Martha (an Indian), ...	542	Brookfield, ...	65, 196, 275, 512, 537, 615, 645, 752
Bowman, Samuel (an Indian), ...	542	Brooks, Benjamin, ...	220
Boxford, ...	117, 283, 284	Brooks, Elizabeth, ...	149
Boyd, James, ...	665	Brooks, William, ...	136
Boyden, Elkanah, ...	60	Brown, —, ...	550, 588, 701
Boyden, Joseph, ...	517	Brown, Col. —, ...	145
Boyden, Keziah, ...	356	Brown, Abner, ...	411
Boylston, Nicholas, ...	408	Brown, Alexis, ...	386
Boynton, Benoni, ...	630	Brown, Boaz, ...	34
Boynton, Stephen, ...	630	Brown, Ephraim, ...	680
Bozworth, Hezekiah, ...	445	Brown, Ephraim (of Concord), ...	629
Brabrook, William, ...	260	Brown, Francis, ...	748
Brabrook, William (of Lancaster), ...	341	Brown, Garven, ...	607
Bradbery, Sanders, ...	532	Brown, Isaac, ...	92
Bradbury, —, ...	678	Brown, Isaac (of Ipswich), ...	403, 501
Bradbury, Capt. —, ...	469	Brown, James, ...	391
Bradbury, Capt. Jabez, ...	98	Brown, John, ...	304
Bradbury, John, 41, 68, 103, 122, 254, 422, 689, 712, 742		Brown, John, jr., ...	348
Bradbury, Josiah, ...	623	Brown, Capt. John, ...	98, 153, 187
Bradford, Capt. —, ...	314	Brown, Jonas, ...	669
Bradford, Gamaliel, 121, 148, 159, 253, 276, 281, 382, 419, 422, 555, 600, 602, 640, 687		Brown, Joseph, ...	110, 348
Bradford, Capt. Gamaliel, ...	714, 754	Brown, Mary (of Ipswich), ...	348
Bradford, Col. Gamaliel, ...	697	Brown, Mary (of Waltham), ...	403, 501
Bradford, Capt. Joel, ...	17	Brown, Nathan, ...	348
Bradford, Capt. Joel (of Attleborough), ...	477	Brown, Patience, ...	77
Bradford, John, ...	477	Brown, Samuel, ...	458
Bradford, Joseph, ...	306	Brown, Thomas, ...	411
Bradford, Capt. Robert, ...	422	Brown, William, ...	168
Bradish, John, ...	271	Brown, Woodbridge, ...	431, 478, 600, 627, 697
Bradley, David, jr., ...	433	Brown, Woodbridge (attorney), ...	423
Bradley, Hopestill, ...	345	Brown, Zachary, ...	77
Bradley, Moses, ...	586	Brownell, Elisabeth, ...	649
Bragg, Henry, ...	27	Brownell, George, ...	649
Bragg, Mary, ...	27	Brownell, Jonathan, ...	100, 649, 650
Brakenridge, James, ...	258	Brownell, Sarah, ...	649
Brattle, Col. —, ...	227	Brownell, William, ...	100, 649
Brattle, William, 20, 37, 41, 67, 121, 245, 247, 252, 263, 303, 335, 388, 421, 523, 555, 579, 600, 602, 624, 640, 681, 706, 725, 766		Brunswick Fort, ...	143, 211, 233
Breck, Samuel, ...	386	Bryant, David, ...	373
Breed, Ephraim, ...	746	Bryant, Joseph, ...	654
Breed, Joseph, ...	681	Bryant, William (of Reading), ...	255, 303
Breed, Martha, ...	746	Bryant, William (of Scituate), ...	373
Brewer, Daniel, ...	42	Bryant, Zachary, ...	533
Brewer, Josiah, ...	724	Buck, Asa, ...	499
Brewster, John, ...	121, 253	Buck, William, ...	546
Brieket, John, ...	658	Buckminster, Col. —, 41, 346, 356, 392, 406, 571, 572, 575	
Bridge, Ebenezer, ...	306		

	PAGE
Buckminster, Joseph, 63, 157, 179, 187, 209, 226, 241, 268, 356, 426 <i>bis</i>	
Buckminster, Col. Joseph, ...	708, 731
Bull, John Patridge, ...	198
Bull, Nehemiah, ...	321, 579
Bullock, Daniel, ...	550
Bullock, Seth, ...	18
Burbank, Timothy, ...	171
Burditt, Jabez, ...	707
Burgess, Samuel, ...	87
Burghart, Garret, ...	699
Burk, Capt. James, ...	164
Burk, Capt. John, ...	170, 487, 734
Burk, Seth, ...	213
Burk's Garrison, ...	143, 211, 232, 329
Burley, Andrew, ...	320
Burley, Andrew (executor), ...	320
Burnap, Capt. Daniel, ...	157
Burnham, James, ...	456
Burnham, John, ...	180
Burnham, Margaret, ...	180
Burnham, Offin, ...	434
Burt, Capt. —, ...	585
Burt, Daniel, ...	585
Burt, Capt. Daniel, ...	434
Burt, Maj. Daniel, ...	732, 743
Burt, Frederick, ...	414
Burt, John, ...	583
Burt, John, jr., ...	583
Burt, Jonathan, ...	414
Burt, Josiah, ...	142
Burton's Garrison on George's River, 211, 233, 328, 512	
Bush, David, ...	198
Bush Hill, ...	750, 751
Buss, John, ...	575
Buswell (<i>see</i> Buzzill).	
Buswell, Jacob, ...	410
Buswell, John, ...	410
Buswell, Jonathan, ...	153
Butler, Asaph, ...	331
Butler, David, ...	97
Butler, Isaiah, ...	744
Butler, John, ...	306
Butler, John (of Boston), ...	539
Butler, John (of Framingham), ...	262
Butler, John (son of John Butler of Boston), ...	539
Butler, Joseph, ...	539
Butler, Mary, ...	539
Butler, Nathaniel, ...	744
Butler, Phineas, ...	354
Butler, Rebecca, ...	306
Butler, Samuel, ...	539
Butler, Thankful, ...	539
Butterfield, Capt. —, ...	244
Butterfield, Benjamin, ...	91
Butterfield, Isaac, ...	91
Butterfield, James, ...	91
Butterfield, Joanna, ...	307
Butterfield, John, ...	91
Butterfield, Jonas, ...	91
Butterfield, Robert, ...	307
Buzzill, David, ...	358

C.

Cabresas, Don Francisco (Gov. of Monte Christo), 721	
Caldwell, John, ...	597
Caleb, William, ...	161

	PAGE
Calef, Dr. John, ...	19, 28, 57
Cambridge, ...	82, 340 <i>bis</i> , 360, 427, 519, 520, 756
Campbell, Daniel, ...	521
Campbell, Duncan, ...	14, 60, 95
Campbell, Jeremiah, ...	600
Campbell, Sarah, ...	588
Canada, 86, 135, 140, 141, 154, 189, 234, 259, 267, 314, 315, 400, 418, 452, 493, 539, 600, 691, 720, 738, 753	
Canada Expedition, 153, 160, 161, 165, 169 <i>bis</i> , 176, 187, 194, 196 <i>bis</i> , 198 <i>bis</i> , 199, 236, 247, 251, 282, 308, 312, 324, 327, 335 <i>ter</i> , 342, 344, 345, 348, 349, 351, 354, 355, 367, 370, 373, 374, 384, 385, 403, 419, 436, 443, 489, 495, 521, 550, 569, 570, 571, 572, 585, 631, 634, 635, 639, 658, 673 <i>bis</i> , 683, 701	
Candish, Joseph, ...	272
Cane, Capt. —, ...	299
Cape Breton, ...	506, 762
Cape Cod, ...	11
Cape Sable, ...	532
Carary, Benjamin, ...	602
Carary, John, ...	602
Cargill, Capt. James, ...	98
Carleton, John, ...	62
Carlton, James, ...	179
Carlton, Peter, ...	656
Carnachan, William, ...	727
Carnes, Hepzibah, ...	606
Carnes, John (of Boston), ...	606
Carnes, John (of Rehoboth), ...	606
Carpenter, Abel, ...	668
Carpenter, Abel (son of Abel Carpenter), ...	668
Carpenter, Abigail, ...	668
Carpenter, Andrew, ...	248
Carpenter, Daniel, ...	514
Carpenter, John, ...	346
Carpenter, Peter, ...	118
Carrell, George, ...	628
Carsely (<i>see</i> Carsley).	
Carsley, Ambrose, ...	452
Carsley, Benjamin, ...	452
Carsley, Benjamin (son of Benjamin Carsley), ...	452
Carver, Capt. Josiah, ...	27
Case, Lot, ...	226
Casey, Mary, ...	717
Casey, Thomas, ...	717
Cast, Dr. —, ...	634
Castle Island, ...	67, 69
Castle Neck, ...	750
Castle William, 39, 41, 78, 126 <i>bis</i> , 266, 277, 296, 337, 436, 444, 476 <i>bis</i> , 490, 525, 541, 555, 586, 588, 605, 611, 653, 662, 740, 754, 759	
Caswell, Ebenezer, ...	331
Caswell, Henry, ...	643
Caswell, Sarah, ...	643
Cato, Absalom, ...	412
Caton, John, ...	712
Chadbourn, Chadbourne, Chadbuorne, Chadburne (<i>see</i> Chadburn).	
Chadburn, Capt. —, ...	530, 577, 739
Chadburn, Capt. Benjamin, 62, 254, 315, 346, 411, 413, 422, 479, 487	
Chadwick, Benjamin, ...	600
Chadwick, Ebenezer, ...	553
Chadwick, John, ...	322
Chaffee, Hannah, ...	644
Chaffee, Joseph, ...	644
Chalcom, Leah (an Indian), ...	209, 415

	PAGE		PAGE
Chamberlain, Aaron, ...	625	Clark, Ebenezer, ...	589
Chamberlain, Alexander, ...	222	Clark, Edmund, ...	11
Chamberlain, John, ...	93	Clark, Ephraim, ...	594
Chamberlain, Joseph, ...	58	Clark, Rev. Ephraim, ...	445, 446, 447
Chamberlain, Mary, ...	625	Clark, Experience, ...	725
Chamberlain, Susanna, ...	375	Clark, Jane, ...	586
Chamberlain, William, ...	375	Clark, John, ...	162
Chancy (<i>see</i> Chauncey).		Clark, John (inhabitant of York County), ...	273
Chandler, Col. —, ...	107, 352, 669	Clark, John (of Boston), ...	642
Chandler, Gardner (collector of excise), 324, 500, 705		Clark, Capt. John, ...	241
Chandler, Gardner (Treasurer of Worcester County), ...	10, 224, 371, 573	Clark, Joseph, ...	589
Chandler, John, 10, 108, 121, 210, 241, 253, 283, 318, 352, 369, 421, 488, 521, 555, 570, 574, 678, 688, 693, 695		Clark, Mary, ...	731
Chandler, John (of South Hadley), ...	85	Clark, Richard, ...	613
Chandler, John, jr., ...	151	Clark, Thomas (Deputy Secretary), 134, 400, 401, 586, 587, 699	
Chapaquidic Island (<i>see</i> Chappaquiddick Island).		Clark, William, ...	429, 430
Chapin, Lieut. Gad, ...	526, 603	Clarke (<i>see</i> Clark).	
Chapin, Joel, ...	487	Cleavland, —, ...	446
Chapman, Lydia, ...	724	Clemens, Peter, ...	186
Chappaquiddick Island (in Dukes County), ...	706	Clement, Timothy, ...	168
Charlemont, ... 48, 98, 143, 151, 212, 261, 329		Cloghorn, Ebenezer, ...	631
Charles River, ... 340 <i>bis</i> , 519, 520, 756		Clough, Aaron, jr., ...	79
Charlestown, 93, 100, 150, 175, 188, 308, 340, 519, 520, 746, 756		Clough, Abner, ...	79
Charlton, District of, ... 15, 33, 233, 234, 416, 551		Clough, Samuel, 3d, ...	79
Chase, Caleb, ...	725	Cobb, Edward, ...	168
Chase, Consider, ...	387	Cobb, Elijah, ...	21
Chase, David, ...	257	Cobb, Gershom, ...	743
Chaudière River, ...	691	Cobb, Mary, ...	743
Chauncey, Josiah, ... 322, 731, 742, 746		Cobb, Capt. Samuel, ...	53, 279
Chebacco, ...	750, 751	Cobb, Capt. Thomas, ...	604
Cheeksaunkun, Cheekshun (<i>see</i> Cheeksaunkun).		Cobb, Capt. Thomas (Farmer of excise), ...	9, 454 <i>bis</i>
Cheeksaunkun, Jacob (an Indian), ...	92	Cobham, James, ...	720
Cheever, Capt. —, ...	250	Cockran, Thomas, ...	433
Cheever, Ezekiel, ... 137, 188, 224		Cocks, —, ...	30
Cheever, Capt. Thomas, ...	575	Codman, John, ...	756
Cheney, Ebenezer, ...	654	Coffin, Benjamin, ...	272
Cheney, John, ...	213	Coffin, Gayer, ...	240
Cheney, Thomas, ... 142, 213		Coffin, Jonathan, ...	241
Chicobee River (<i>see</i> Chicopee River).		Coffin, Joseph, ...	658
Chicopee River, ...	540, 757	Coffin, Josiah, ... 123, 423, 555	
Child, John, ...	344	Coffin, Richard, ... 241, 254, 423, 554	
Childs, James, ...	273	Cognihew, Reuben (an Indian), ...	702
Childs, Joseph, ...	389	Cogswell, Jonathan, ...	168
Childs, Meribah, ...	389	Cohoes, ...	691
Choate, Col. —, ... 600, 602, 628		Cohos (<i>see</i> Cohoes).	
Choate, John, ... 120, 193, 614, 615, 688		Colby, Dorothy, ...	311
Choate, John, (Judge of Probate of Essex County), ...	481	Colby, Samuel, ...	311
Choate, Col. John, ... 731, 743		Cold Spring, ...	597
Choudere River (<i>see</i> Chaudière River).		Cole, Samuel, ... 331, 482	
Chubb, William, ...	387	Collins, Nathaniel, ...	112
Church, Damaris, ...	36	Collins, William, ...	142
Churchill, James, ...	392	Colman, John, ...	558
Chushing (<i>see</i> Cushing).		Colrain, ... 211, 212 329, 522	
Claffan, Robert, ...	272	Colton, Ephraim, ...	592
Clap, Col. —, 339, 346, 388, 479, 531, 554, 585, 631, 653, 677, 692, 705		Colton, Ephraim (son of Ephraim Colton), ...	592
Clap, Preserved, ...	302	Colton, Samuel, ...	592
Clap, Sarah, ...	302	Combe, John, ...	764
Clap, Thomas, ...	687	Comerford, Henry, ...	159
Clap, Col. Thomas, ...	697	Con, John, ...	697
Clapham, Capt. —, ...	715	Conant, John, ...	77
Clapham, John, ...	190	Conch, James, ...	313
Clark, Capt. —, ...	332	Concord, ... 99, 527	
Clark, Daniel, ... 324, 458, 500, 663, 705		Condy, Rev. Jeremy, ...	127, 266
Clark, David, ...	731	Conkaney, Aaron, ...	485
		Connecticut, ...	198
		Connecticut River (Great River), ...	95, 96, 140
		Connelly, Robert, ...	713
		Cook, Capt. —, ...	33
		Cook, Ephraim, ...	319

	PAGE
Cook, Maltier, ...	36
Cook, Middlecot, ...	429, 430
Cook, Nathaniel, ...	18, 19
Cook, Capt. Nathaniel, ...	27
Cook, Robert, ...	551
Cook, Samuel, ...	749
Cook, Simeon, ...	442
Cook, Simeon (of New Marlborough), ...	452
Cooke (see Cook).	
Coolidge (see Coolidge).	
Cooley, Abner, ...	113
Cooley, Nathaniel, ...	112
Coolidge, Capt. —, ...	356, 628, 701
Coolidge, John, ...	388
Coolidge, Capt. Peter, ...	40, 187, 731, 761
Coolidge, Stephen, ...	427
Cooper, John, ...	36
Cooper, Rev. Samuel, ...	266, 476, 652
Cooper, Thomas, ...	538
Cooper, William, ...	695
Corbin, James, ...	487
Cotten (see Cotton).	
Cotton, Col. —, ...	263, 387, 522, 554
Cotton, Benjamin, ...	757
Cotton, John (of Boston), ...	684
Cotton, John (Treasurer of County of Plym-outh), ...	236, 397, 572
Cotton, Josiah, ...	254
Cotton, Roland, 188, 245, 253, 422, 476, 586, 652, 688, 765	
Cousins, Nathaniel, ...	719
Cowell, Seth, ...	459
Cox, —, ...	149
Cox, Capt. —, ...	478
Crage, John, ...	603
Crane, Gershom, ...	415
Crane, Seth, ...	64, 80
Crawfoot, Daniel, ...	113
Crescey, Abel, ...	586
Crocker, Benjamin, ...	613, 614
Crocker, Cornelius, ...	582
Crocker, Daniel, ...	403
Crocker, David, ...	403
Crocker, Hopeskill, ...	55
Crocker, Mary, ...	55
Crocker, Paul, ...	210
Crocker, Thomas, ...	55
Crocker, William, ...	346
Crocker, William (son of David Crocker), ...	403
Crooker, Job, ...	314
Crooks, John, ...	298
Crooks, William, ...	298
Crosbey, (see Crosby).	
Crosby, Aaron, ...	541
Crosby, Hannah, ...	541
Crosby, Joel, ...	444
Crosby, Sampson, ...	179
Crosby, Samuel, ...	541
Crosby, Samuel (son of Samuel Crosby), ...	541
Crosby, Simon, ...	331
Crosby, Thomas, ...	340
Cross, Hannah, ...	606
Cross, Sarah, ...	606
Crosman, George, ...	486
Crosman, David, ...	187
Crosman, Joshua, ...	93
Crowel, Jonathan, ...	731
Crowley, Abraham, ...	52
Crown Point, 416, 438, 599, 657, 719, 746, 752, 758, 763	

	PAGE
Crown Point Expedition, 11 bis, 12 bis, 13 bis, 15, 16, 17, 18 bis, 19 ter, 21 bis, 22 bis, 24, 25, 27, 28 bis, 29, 30 ter, 31 bis, 32, 33, 34 bis, 35 ter, 36, 37 bis, 39 bis, 40, 41, 42, 47, 49 bis, 50, 52, 55, 56, 57, 58, 60, 62 ter, 63 ter, 65, 68, 70, 71, 73, 74, 81, 85, 87, 91, 92, 98, 99, 101 bis, 103 ter, 111, 113, 114, 118 bis, 119, 120, 123, 124, 130, 131, 133 bis, 134, 136 bis, 137 bis, 138, 139, 143, 145, 147, 149, 152, 158, 159, 160, 161, 162, 164 ter, 165, 167, 169, 171, 182, 183, 188, 193 bis, 195, 196, 197, 198, 214, 218, 219 bis, 223, 224, 225, 227 bis, 234, 244 bis, 247, 250, 268, 269, 274, 280 ter, 282, 298, 311, 383, 384, 483, 494, 510, 511, 524, 584, 587, 589, 591, 618, 629, 685, 697, 701, 756	
Cumacher, Elizabeth (an Indian), ...	209
Cumberland County, ...	690
Cunningham, Nathaniel, ...	576
Cunningham, Sarah, ...	576
Cunningham, Susanna, ...	576
Cunningham, Thomas, ...	157
Currier, Daniel (of Amesbury), ...	311
Currier, Daniel (of Methuen), ...	458
Currier, Jonathan, ...	346
Currier, Capt. Reuben, ...	532
Currier, Samuel, ...	392
Curtis, Ephraim, ...	542
Curtis, George, ...	761
Curtis, Hannah, ...	386
Curtis, John, ...	542
Curtis, Joseph, ...	542, 764
Curtis, Joshua, ...	697
Curtis, Nehemiah, ...	635
Curtis, Rain, ...	462
Cushing, —, ...	221
Cushing, Maj. —, ...	392, 410 bis, 547, 554
Cushing, Caleb, ...	15, 18, 32, 153, 186, 614
Cushing, Maj. Caleb, ...	724
Cushing, Charles (deputy commissary), ...	490
Cushing, Ezekiel, ...	445, 690
Cushing, James, ...	653
Cushing, James (son of James Cushing), ...	653
Cushing, John (collector of excise), ...	324
Cushing, John (committee), ...	8, 297, 675, 737, 756
Cushing, John, jr. (collector of excise), ...	500, 675
Cushing, Joseph, ...	186
Cushing, Josiah, ...	248
Cushing, Thomas, ...	535
Cushing, William, ...	689
Cushnoc, 115, 136, 143, 145, 211, 232, 263, 328, 405, 512, 692	
Cutler, Abigail, ...	274
Cutler, Ebenezer, ...	32
Cutler, John, ...	274
Cutler, Sarah, ...	747
Cutt, Richard, ...	47, 254, 422, 453, 555, 640, 678
Cutting, Francis, ...	575
Cutting, John, ...	110

D.

Dafforne, Isaac, ...	684, 727
Daggett, Abigail (formerly Abigail Carpenter), ...	668
Daggett, James, ...	171
Daggett, Nathan, ...	668
Dalrymple, Capt. —, ...	164
Dalton, Michael, ...	92, 118, 187
Damon, Ebenezer, ...	499
Dana, Caleb, ...	195
Danby, Simon, ...	628

	PAGE
Danforth, John, ...	113
Danforth, Samuel, ...	299, 523, 555, 690, 766
Danforth, Thomas, ...	707
Darby, John, ...	413
Darby, Simon, ...	413
Darling, John, ...	113
Dartmouth, ...	20, 56, 150, 435, 543, 549
Davenport, William, ...	164, 604
David, Stephen (an Indian), ...	485, 506
Davidson, Nathaniel, ...	138
Davis, Capt. —, ...	134, 370, 387, 459, 554, 571, 572 <i>bis</i> , 575, 637
Davis, Benjamin, ...	387, 625, 724
Davis, Daniel (collector of excise for Barnstable County), ...	324, 500
Davis, Daniel (of Barnstable), ...	414
Davis, Edward, ...	588
Davis, Capt. Edward, ...	693, 724, 725, 731, 739
Davis, Enoch, ...	412
Davis, James, ...	331, 375
Davis, Jonathan, ...	213
Davis, Joseph, ...	158
Davis, Rev. Joseph, ...	74
Davis, Josiah, ...	416, 417
Davis, Nathaniel, ...	315
Davis, Robert, ...	503
Davis, Solomon, ...	414
Davis, Tristram, ...	113
Davison, John, ...	142
Dawes, Mary, ...	524
Dawes, Susanna, ...	524
Dawes, Thomas, ...	523
Dawes, Thomas (son of Thomas Dawes), ...	523
Day, Capt. —, ...	387
Day, Benjamin, ...	434
Day, Ebenezer, ...	113
Day, Jeremiah, ...	558
Day, Ralph, ...	744
Dean, Daniel, ...	656
Deblois, Gilbert, ...	471
Dedham, ...	66, 288, 298, 665
Deerfield, ...	104, 388, 451, 472 <i>bis</i>
De Lancey, Lieut. Gov. — (Lieut. Gov. of New York), ...	594, 595
Delaware River, ...	748
Dennison, James, ...	369
Denny, — (Justice), ...	610
Denny, Samuel, ...	689
Denton, James, ...	337
Derry, Lewis, ...	550
Deshon, Moses, ...	39
Detroit, ...	438
Dewey, Azariah, ...	727
Dewey, Stephen, ...	113
Dexter, Constant, ...	389
Dexter, Ichabod, ...	441
Dexter, Philip, ...	69
Dexter, Richard, ...	59
Dexter, Samuel, ...	109
Dickinson, John, ...	372
Dickinson, Joseph, ...	434
Dickinson, Moses, ...	351
Dickinson, Obadiah, ...	393, 579, 723
Dickinson, Samuel, ...	434
Dike, Daniel, ...	637
Dike, Nicholas, ...	660
Dillingham, Samuel, ...	586
Doane, Lt. Col. —, ...	314, 490
Doane, Jonathan, ...	165

	PAGE
Dodge, Jacob, ...	346
Dolbear, James, ...	494
Donnell, Nathaniel, ...	554
Dorchester, ...	245, 732
Dore, Jonathan, ...	698
Dorr, Dorothy, ...	654
Doten, Edward, ...	714
Doty, Col. —, ...	314, 321, 394, 405, 424, 427, 435, 440, 445, 469, 477, 498, 516, 551, 588, 715, 753
Douglas, ...	638
Dow, Samuel, ...	387
Downe, Ebenezer, ...	239
Downer, Andrew, ...	749
Downer, Joseph, ...	749
Downing, John, ...	749
Dowse, Capt. Nathaniel, 629 <i>bis</i> , 651, 672, 679 <i>bis</i> , 680	
Drake, Abel, ...	118
Drake, Ann, ...	440
Drake, Samuel, ...	440
Draper, Abigail, ...	641, 642
Draper, Joseph, ...	641, 642
Draper, Josiah, ...	750
Draper, Timothy, ...	168
Dresser, Capt. —, ...	492
Druce, Daniel, ...	755
Druce, Ichabod, ...	282
Drumple, Capt. —, ...	585
Drury, Josiah, ...	262
Dudley, ...	221
Dudley, Anne, ...	52
Dudley, William, ...	52
Dudley Indians, ...	241, 693
Dudson, —, ...	38
Dugas, Joseph, ...	132
Dukes County, County of, 53, 122, 174, 184, 199, 254, 279, 423, 554, 555, 689	
Dummekonwoh, Sarah (an Indian), ...	355
Dunbar, Capt. —, ...	727
Dunlap, Capt. —, ...	730
Dunlop (<i>see</i> Dunlap), ...	
Dunnel, Jonathan, jr., ...	269
Dunnel, Mehetabel, ...	269
Dunnel, Nathaniel, ...	190
Dunstable, ...	220, 429, 675
Dunton, Gershom, ...	701
Durant, Abraham, jr., ...	743
Dutton, Samuel, ...	492
Dwight, Col. —, ...	31, 350, 695
Dwight, Joseph, ...	458
Dwight, Seth, ...	513
Dwight, Maj. Simeon, ...	54
Dwight, Timothy, ...	213, 252, 421
Dwight, Timothy, jr., ...	310, 311
Dwight, Col. Timothy, ...	517
Dyer, Christopher, ...	490
Dyer, Susanna, ...	346

E.

Eager, Capt. Bezaleel, ...	688
East Hadley, ...	302
East Hoosac, ...	522, 553
Eastham, ...	159, 276, 459
Eastman, Benjamin, ...	694
Easton, ...	191, 385
Eaton, Benjamin, ...	151
Eaton, Daniel, ...	724
Eaton, James, ...	151
Eaton, Joseph, ...	312, 339, 557

	PAGE	F.	PAGE
Eaton, Rev. Joshua, ...	527	Fairbank, Thomas, ...	732
Eaton, Nicholas, ...	392	Fairbanks, Jonathan, ...	271
Eaton, Pearson, ...	25	Fairbanks, Joseph, ...	286
Eaton, Seth, ...	151	Fairservice, John, ...	693
Eaton, Timothy, ...	732	Fall Town, ...	143, 212, 329, 741
Eaton, William, ...	15	Falmouth (Barnstable County), ...	69
Eayres, Solomon, ...	731	Falmouth (York County), ...	111, 445, 446, 447, 455, 490, 571, 677, 678, 742
Eddy, Ebenezer, ...	60, 724	Farley, Timothy, ...	331
Edes, Lucretia, ...	331	Farmer, Nathaniel, ...	331
Edes, Sarah, ...	763	Farmer, Ruth, ...	658
Edson, Josiah, ...	241, 389, 618, 758	Farnsworth, Ebenezer, ...	185
Edson, Josiah, jr., ...	506	Farnsworth, Ebenezer, jr., ...	548
Edwards, Rev. ———, ...	696	Farnum, John, ...	556, 656
Edwards, Jonathan, ...	302	Farnum, Moses, ...	488, 762
Edwards, Rev. Jonathan, ...	310, 311	Farnum, Moses, jr., ...	85
Edwards, Joshua, ...	739	Farnum, Nathan, ...	556
Edwards, Sarah, ...	310, 311	Farr, Thomas, ...	550
Edwards, Timothy, ...	310, 311	Farrar, John, ...	220, 374
Eells, Hannah, ...	112	Farrington, Elisha, ...	586
Egremont, ...	699	Farwell, Elizabeth, ...	219
Eldridge, Abner, ...	528	Farwell, Samuel, ...	219
Elisha, Abner (an Indian), ...	385	Faulkner, Abiel, ...	647
Ellingwood (<i>see</i> Ellinwood), ...		Faulkner, Mary, ...	647
Ellinwood, Rebecca, ...	189	Fauquier, Gov. ——— (of Virginia), ...	760
Ellinwood, Thomas, ...	189	Fay, Capt. Aaron, ...	354
Elliot, Jonathan, ...	79	Fay, Hannah, ...	401
Ellis, ———, ...	412, 459, 510 <i>bis</i>	Fay, James, ...	352
Ellis, Gideon, ...	734	Fay, Silas, ...	401
Ellis, Samuel, ...	628	Fearn, John, ...	142
Ellis, Seth, ...	734	Febro, Peter (alias Peter Le Forge), ...	192
Ellis, William, ...	487	Felch, Joseph, ...	465
Ely, Levi, ...	326	Felch, Margaret, ...	465
Ely, Samuel, ...	326	Felix, Israel (an Indian), ...	532, 618
Emerson, James, ...	752	Felix, Thomas (an Indian), ...	389, 532
Emerson, Jonathan, ...	85	Fellows, Capt. ———, ...	762
Emerson, Sarah, ...	85	Fellows, Capt. John, ...	599
Emery, Deliverance, ...	386	Felton, Benjamin, ...	198
Emery, James, ...	118	Fenno, Benjamin, ...	226
Endicott, Capt. ———, ...	469	Ferrit, Cæsar (an Indian), ...	69, 216
Endicott, Capt. John, ...	216, 250	Ferry, Elisha, ...	186
England, 115, 267, 315, 452, 457, 510, 526, 581, 714, 722		Field, Jonathan, ...	370, 386, 473
Epes, Col. ———, ...	383	Finney, Abijah, ...	47
Epes, Maj. ———, ...	470 <i>bis</i>	Finney, Lydia, ...	47
Epes, Daniel, ...	324	Finney, Nelson, ...	628
Epes, Daniel, jr., ...	39, 142, 500, 578, 705	Finney, Nelson (of Middleborough), ...	88
Epes, Samuel, ...	601, 614, 615	Fish, Daniel, ...	414
Ephraim, John (an Indian), ...	754	Fish, Isaac, ...	414
Ephraim, Joshua (an Indian), ...	383	Fish, Capt. Nathaniel, ...	733
Ephraim, Judah (an Indian), ...	209	Fish Street, Boston, ...	97, 176, 539
Ephraim, Mary (an Indian), ...	209	Fisher, David, ...	459
Equi, Betty (an Indian), ...	542	Fisher, Ezra, ...	739
Equi, Zachary (an Indian), ...	542	Fisher, Jonathan, ...	28
Ervin (<i>see</i> Erving), ...		Fisher, Joseph, ...	246
Erving, John, ...	41, 225, 226, 331, 408	Fisher, Nathan, ...	732
Erving, John, jr., ...	471	Fisher, Nathaniel, ...	66
Erwin, John, ...	673	Fisher, Simeon, ...	739
Erwin, John, jr., ...	733	Fisher, William, ...	744
Eson, Cæsar, ...	505	Fisk, Asa, ...	157
Eson, Mary, ...	505	Fisk, Bezaleel, ...	344
Essex County, 32, 49, 50, 80, 88, 90, 119, 120, 123, 130, 134, 139, 159, 168, 197, 252, 280, 284 <i>bis</i> , 285, 286, 287, 301, 304, 305, 311, 312, 320, 342, 393, 400, 407, 409, 410, 421, 433, 453, 481, 544, 554, 555, 568, 578, 579, 614, 623, 626, 634, 647, 657, 687, 734, 737		Fisk, Isaac, ...	575
Europe, ...	12, 254, 315, 470, 599, 688	Fisk, James, ...	731
Evans, Daniel, ...	187	Fisk, Jonas (<i>see</i> Joseph Fisk), ...	
Evans, John, ...	392	Fisk, Joseph, ...	593
Evans, William, ...	391	Fisk, Josiah, ...	84
		Fisk, Moses, ...	536
		Fiske, Daniel, ...	110
		Fitch, Ann, ...	77

	PAGE		PAGE
Gallot, Peter, ...	708	Glover, John, ...	179
Gardiner, Sylvester, ...	429, 430	Glover, John (of Milton), ...	507, 508
Gardner, Gideon, ...	330	Glover, Capt. Samuel, ...	765
Gardner, Henry, ...	71, 142	Goddard, Benjamin, ...	580
Gardner, Dr. Samuel, ...	178, 332	Goddard, Benjamin (of Grafton), ...	580
Gardner, Dr. Sylvester, ...	587	Godfrey, Jonathan, ...	528
Garey, Seth (Seth Gurnes), ...	21	Goldthwait, —, ...	236, 297, 299, 693
Gatchell, Abel, ...	456	Goldthwait, Capt. —, ...	487
Gates, Benjamin, ...	413	Goldthwait, Capt. Benjamin, ...	14
Gates, Bethulia, ...	413	Goldthwait, Joseph, ...	179
Gates, Silas, ...	46	Goldthwait, Samuel, ...	222
Gay, Elizabeth, ...	298	Goldthwait, Thomas, ...	252, 720, 759
Gay, Hezekiah, ...	298	Goodell, Amos, ...	628
Gay, John, ...	132	Goodenough, Capt. —, ...	223
Gay, William, ...	298	Goodenow, Benjamin, ...	666
Gearfield, Edward, ...	392	Goodenow, Moses, ...	764
Geary, Thomas, ...	331	Goodrich, Elisha, ...	482
George, Elizabeth, ...	273	Goodrich's Garrison (Pontoosuck), ...	48, 211, 329
George, John, ...	719	Goodridge, David, ...	438, 439
George, Mary, ...	719	Goodwin, Aaron, ...	346
George, Richard, ...	139	Goodwin, Adam, ...	411
George's Fort, 211, 232, 328, 354, 370, 381, 528, ...	550	Goodwin, Adam (son of Adam Goodwin), ...	411
George's River, ...	405	Goodwin, Capt. Ichabod, ...	9
Germantown Lottery in Braintree, ...	141	Goodwin, Luxford, ...	109
Gerrish, Col. —, 263, 346, 382, 412, 539, 547, ...	640	Goodwin, Shipeway, ...	413
	658	Gookin, Simon, ...	166
Gerrish, John, ...	479	Gould (see Gould).	
Gerrish, Joseph, 118, 120, 153, 168, 252, 272, 281, 421		Gorham, John, ...	73, 753
Gerrish, Col. Joseph, ...	353, 724, 731	Gorhamtown, ...	173
Gerrish, Timothy, ...	47	Goss, John, ...	650
Gibbs, Henry, ...	127, 190, 266, 765	Goss, William, ...	331
Gibbs, Isaac, ...	724	Gott, Benjamin (see Thomas Gott).	
Gibbs, Katherine, ...	613	Gott, Thomas, ...	145
Gibbs, Phineas, ...	94	Gould, —, ...	336, 356
Gidding, Daniel, ...	60	Gould, Ebenezer, ...	40
Giddinge, Daniel, ...	252, 273, 747	Gould, John, ...	356
Giddings, —, ...	346	Gould, John (committee), ...	300, 724
Giddings, Daniel, ...	325	Gould, Jonathan, ...	251
Giddings, Daniel, jr., ...	73	Gould, Thomas, ...	737
Gilbert, Abner, ...	411	Gouverneurs, Isaac, ...	53
Gilbert, Jonathan, ...	64	Gouverneurs, Nicholas, ...	53
Gilbert, Seth, ...	537, 589	Governors Island, ...	67, 69
Gilbert, Thomas, jr., ...	64	Gowen, Capt. James, ...	689
Gilbert, Col. Thomas, ...	480, 725	Grafton, ...	181, 536, 663
Giles, Daniel, ...	708	Grafton Indians (see Hassanimisco Indians).	
Giles, James, ...	731	Grainger, Daniel, ...	131, 709
Gill, Capt. —, ...	245	Grant, James, ...	742
Gill, Abigail, ...	660	Grant, Joseph, ...	538
Gill, Ann, ...	660	Graves, Aaron, ...	672
Gill, Eleanor, ...	660	Graves, Belah, ...	113
Gill, Elizabeth, ...	660	Graves, Benoni, ...	370
Gill, Israel, ...	369	Graves, Daniel, ...	672
Gill, John, ...	660	Graves, Elijah, ...	434
Gill, John (son of John Gill), ...	660	Graves, Ephraim, ...	708
Gilson, Zachariah, ...	314	Graves, James, ...	533
Girido, Margaret, ...	78	Graves, Peter, ...	142
Glasgow, ...	225	Graves, Submit, ...	434
Glazier, Benjamin, ...	271	Gray (Gay), Capt. —, ...	736
Gleason, John, ...	507	Gray, Edward, ...	274
Gleason, Mary (daughter of Nathaniel Gleason), ...	659, 660	Gray, George, ...	180
Gleason, Mary (see Susanna Phillips).		Gray, Harrison (Treasurer of the Province), 11, 12 bis, 13, 14 bis, 15, 16, 17, 18, 19 ter, 21 bis, 24, 27, 28 bis, 30 bis, 31 bis, 32, 33 bis, 34 bis, 35 bis, 38, 39, 41, 42, 44, 45, 47, 49, 50, 51, 52, 53, 58, 60, 62, 67, 68, 76, 91, 92 bis, 101, 102, 104, 105, 106 bis, 108, 128, 133, 137 bis, 138 bis, 142, 147, 148, 149, 153, 166, 167, 169, 172, 190, 195, 216, 217, 219 bis, 223, 226, 229, 242, 243, 244 bis, 247, 255, 265, 269, 274, 278, 323, 330, 352, 353, 369, ...	
Gleason, Nathaniel, ...	659		
Gleason, Susanna (widow of Thomas Gleason, jr.), ...	283		
Gleason, Thomas, jr., ...	283		
Gleason, Uriah, ...	731		
Gloucester, ...	308, 446, 499, 532, 620		
Glover, Capt. —, ...	419, 579, 580, 643		

	PAGE
Gray, Harrison (Treasurer of the Province) — <i>continued.</i>	
370, 383, 391, 399, 402, 443, 452, 456, 466, 469	
474, 479, 481, 493, 494, 495, 534, 558, 570, 589,	
596, 607, 609 <i>bis</i> , 623, 624, 625, 631, 634, 638,	
651, 676, 679, 685, 690, 692, 699, 709, 721, 739,	
743, 760, 762 <i>bis</i>	
Gray, Joseph, ...	433
Great Britain, 20, 96 <i>bis</i> , 138, 170, 298, 488, 489, 540,	
545, 577, 694	
Great Carrying Place, ...	319, 327, 355, 491, 510
Great River (<i>see</i> Connecticut River).	
Greaves, Catherine, ...	533
Greaves, Samuel, ...	533
Greaves, Sarah, ...	533
Green, Isaac, ...	655
Green, Jeremiah, ...	387
Green, John, ...	271
Green, Jonathan, ...	109
Green, Joseph, ...	674
Green Bush, ...	39, 138, 235, 282, 373, 394, 553
Green Lane, Boston, ...	759
Green Woods, ...	249
Greene, Thomas, ...	429, 430
Greenfield, District of, ...	104, 211, 329
Greenleaf, Abigail, ...	239
Greenleaf, Edmund, ...	134
Greenleaf, Mary, ...	134
Greenleaf, Stephen, ...	172, 724
Greenleaf, Thomas, ...	280, 539
Greenough, James, ...	464
Greenough, Nathaniel, ...	708
Greenwood, ...	727
Greenwood, James, ...	356
Greenwood, Thomas, ...	60, 113, 179
Gregory, Catherine, ...	513
Gregory, William, ...	45, 83, 182
Gridley, —, ...	41
Gridley, Col. —, ...	383
Gridley, Benjamin, ...	61
Gridley, Isaac, jr., ...	510
Gridley, Samuel, ...	242, 648, 756, 757
Griffin, Jonathan, ...	764
Grimes, Jonathan, ...	99, 100
Grinmon, Mary, ...	506
Groton, ...	185, 223, 581, 655
Grove St., Boston, ...	494
Guild, Aaron, ...	509, 510
Gundaway, Richard, ...	505
Gunn, Stephen, ...	132
Gunter, Thomas, ...	429, 430
Gutteridge's Garrison (Pontoosuck), ...	144

H.

Hadley, ...	402
Hadley, John, ...	109
Hadley, Thomas, ...	179
Hagar, Daniel, ...	142
Hale, Daniel, ...	724
Hale, Daniel (of Newbury), ...	451
Half-Moon, 11, 19, 24, 28, 30, 35, 91, 103, 149, 169,	
227, 243, 518	
Halifax, 66, 269, 295, 297, 314, 442, 506, 539, 657,	
701, 727, 733, 734	
Hall, —, ...	338
Hall, — (Commissary), ...	29, 610
Hall, David, ...	392
Hall, Ebenezer, ...	683

	PAGE
Hall, Hezekiah, ...	670, 671
Hall, Dr. Jeremiah, ...	481
Hall, Richard, ...	76
Hall, Stephen, ...	188, 225
Hallet, John, ...	73
Halloway, Calvin, ...	35
Halloway, Huldah, ...	35
Hallowell, Benjamin, ...	695
Hallowell, Capt. Benjamin, ...	156, 576
Hallowell, Capt. Benjamin, jr., ...	334
Hallowell, Samuel, ...	88
Hamblem, Jabez, ...	664
Hamblem, James, ...	664
Hamblin, Benjamin, ...	55
Hamilton, Lieut. —, ...	610
Hamilton, John, ...	743
Hammond, Israel, ...	108
Hampshire County, 83, 98, 119, 121, 152, 172, 186,	
188, 195, 214, 227, 249, 252, 261, 267, 285, 289,	
290, 301, 302, 322, 326, 341, 342, 347, 350, 355,	
367, 388, 392, 402, 409, 421, 433, 434, 444, 449,	
451, 457, 466, 472, 473, 553, 554, 555, 593, 644,	
667, 672, 673, 680, 688, 693, 704, 709, 716, 721,	
727, 729	
Hancock, John, ...	478
Hancock, John, jr., ...	478
Hancock, Nathaniel, ...	554
Hancock, Thomas, ...	430, 523, 579, 608, 624, 640, 662
Hanmer, Ensign John, ...	736
Hanners, George, ...	762
Hanover, ...	357, 751
Hapgood, Damaris, ...	435, 725
Hapgood, Dorcas, ...	387
Hapgood, John, ...	725, 726
Harbuck, Rebecca, ...	387
Hard, Richard, ...	761
Harding, Seth, ...	696
Harding, Thomas, ...	528
Hardy, Aaron, ...	743
Harmon, Benjamin, ...	724
Harmon, Nathaniel, ...	277
Harper, Andrew, ...	15, 207
Harper, Samuel, ...	15, 207
Harpwell, District of, ...	635
Harriden, William, ...	550
Harrington, Capt. Edward, ...	8
Harrington, Isaac, ...	743
Harrington, James, ...	755
Harris, Francis, ...	724
Harris, Gyles, ...	538
Harris, Samuel, ...	227
Hart, James, ...	7, 93, 208
Hartshorne, Samuel, ...	658
Hartwell, Maj. —, ...	386, 451, 575, 708
Hartwell, Edward, ...	226, 253, 320
Hartwell, Maj. Edward, ...	708, 724
Hartwell, Oliver, ...	731
Harvard, ...	286
Harvard, Capt. Daniel, ...	697
Harvard College (Cambridge), 66, 128 <i>bis</i> , 129 <i>bis</i> ,	
264 <i>bis</i> , 265, 294, 427, 473, 475 <i>ter</i> , 725, 735 <i>bis</i> ,	
736	
Harvey, Ephraim, ...	146
Harvey, Capt. John, ...	682
Harvey, Lydia, ...	146
Harvey, Peter, ...	195
Harvey, Rebecca, ...	195
Harvey, William, ...	195, 290
Harvey, Zachariah, ...	671

	PAGE		PAGE
Harwich, ...	87, 159	Henery, Robert, ...	633
Harwich Indians, ...	241	Henley, Charles, ...	629
Harwood, David, ...	10, 62, 65	Henry, Eleazer, ...	743
Harwood, Nathan, jr., ...	98	Henshaw, Joshua (guardian), ...	543
Harwood, Phineas, ...	724	Henshaw, Joshua (selectman of Boston), ...	493
Haskall, Samuel, ...	197	Henshaw, Joshua (treasurer of Suffolk County), ...	104, 105, 229, 406
Haskell, Hannah, ...	620	Henton, John, ...	450
Haskell, Henry, ...	179	Herkerman's Fort, ...	345
Haskell, Henry, jr., ...	179	Herrick, ———, ...	346, 588
Haskell, Keziah, ...	646	Herrick, Henry, ...	273, 731
Haskell, Nathaniel, ...	619, 620	Herring, Samuel, ...	763
Haskell, Thomas, ...	304	Hersey, Ezekiel, ...	414
Haskell, Zachariah, ...	646	Hewens, Enoch, ...	724
Hassanimisco or Grafton Indians, ...	10, 209, 210, 217, 241, 369, 570	Hewes, Robert, ...	197, 215, 234
Hassard, Robert, ...	113	Hewes, Samuel, ...	408
Hastings, Benjamin, ...	104	Hewins, Joseph, ...	732
Hastings, Eliphalet, ...	457	Heywood, Charles, ...	568, 569
Hastings, Elisha, ...	331	Hidden, Ebenezer, ...	68, 708
Hastings, Thomas, ...	302	Hidden, Jonathan, ...	68
Hatch, ———, ...	235	Hides, Joseph, ...	762
Hatch, Benjamin (of Falmouth), ...	97	Higgins, Freeman, ...	354
Hatch, Benjamin (of Pembroke), ...	529	Higgins, Jethro, ...	528
Hatch, Elijah, ...	113	Higginson, ———, ...	522, 554
Hatch, Estes, ...	501	Hill, Abraham, ...	172
Hatch, Josiah, ...	482, 483	Hill, Rev. Abraham, ...	597, 598
Hatch, Martha, ...	97	Hill, Asa, ...	249
Hatch, Mary, ...	501	Hill, Benjamin, ...	571
Hatch, Nathaniel, ...	501	Hill, Hannah, ...	257
Hatch, Sarah, ...	501	Hill, John, ...	122, 220, 387, 555, 689
Hatfield, ...	325, 367	Hill, Jonathan, ...	179
Haven, Daniel, ...	346, 731	Hill, Jonathan (of Billerica), ...	136
Haven, Rev. Elias, ...	515	Hill, Nathaniel (an Indian), ...	216, 371
Haven, John, ...	515	Hill, Nathaniel (of Wells), ...	749
Haverhill, ...	623	Hill, Patience (an Indian), ...	216, 371
Hawes, Daniel, jr., ...	528	Hill, William, ...	331
Hawes, Thomas, ...	744	Hills, Benjamin, ...	35, 59, 63, 179
Hawks, Maj. ———, ...	710	Hinckley, Isaac, ...	210
Hawks, John, ...	173	Hinckley, John, jr., ...	670
Hawks, Maj. John, ...	698	Hinds, Seth, ...	487
Hawks's Garrison (Charlemont), ...	143, 211, 232, 329, 522	Hingham, ...	528, 633
Hawley, Maj. ———, ...	554	Hinsdale, Ebenezer, ...	388
Hawley, Rev. Gideon, ...	257, 258, 313	Hinsdale, Mahuman, ...	472
Hawley, Joseph, ...	392, 421, 482	Hinsdale, Samuel, ...	388
Hawley, Rebecca, ...	310, 311	Hitchcock, Jonathan, ...	449
Hawley, Samuel, ...	113	Hitchcock, Mary, ...	449
Hayden, Lydia, ...	23	Hitchings, Ezra, ...	687
Hayden, Mary, ...	346	Hoar, Col. ———, ...	605
Hayden, Nehemiah, ...	23	Hoar, Lieut.-Col. ———, ...	661
Hayden, Robert, ...	331	Hoar, Daniel, ...	660
Hayden, Zachary, ...	23	Hobbs, Ebenezer, ...	713
Hayward, Jonathan, ...	761	Hobbs, Thomas, ...	62
Hayward, Rufus, ...	758	Hobson, ———, ...	221
Hayward, Simeon, ...	749, 750	Hodge, James, ...	347
Haywood, Daniel, ...	732	Hodges, Capt. ———, ...	59, 244, 665, 673
Haywood, James, ...	451	Hodges, Ephraim, ...	550
Headly, John, ...	631	Hodges, Capt. Nathan, ...	250, 591
Healey, Nehemiah, ...	731	Hodgkins, John, jr., ...	625
Heath, ———, ...	339	Hog House Hill, ...	533
Hedge, Elisha, ...	539	Hoit (see Hoyt), ...	
Heeley, Capt. Joshua, ...	241	Holbrook, Abel, ...	346
Hemingway (see Hemingway), ...		Holbrook, Eliphalet, ...	164
Hemingway, Ralph, ...	259	Holbrook, John, ...	331, 761
Hemingway, Sylvanus, ...	62	Holbrook, Naaman, ...	731
Henchman, Col. ———, ...	344	Holbrook, Noah, ...	164
Henderson, Thomas, ...	549	Holden, ...	158, 344, 535
Henderson's Garrison, ...	211, 233, 328, 512	Holden, James, ...	110
Henery, Eleanor, ...	633	Holden, Joseph, ...	397, 483
		Holden, Justinian, ...	30

	PAGE
Holden, Ruth, ...	30
Holland, Josiah, jr., ...	737
Holland, Robert, ...	504
Hollis, John, ...	225
Holliston, ...	132, 157
Hollowell (<i>see</i> Hallowell).	
Holman, Hugh, ...	359
Holman, Keziah, ...	359
Holman, Capt. Solomon, ...	669
Holmes, Ebenezer, ...	72, 73
Holmes, Elisha, ...	518
Holmes, Hezekiah, ...	282, 551
Holmes, Jane, ...	681
Holmes, John, ...	518
Holmes, Lois, ...	518
Holmes, Thomas, ...	174
Holt, Capt. —, ...	103
Holt, Lieut. Nicholas, ...	103
Holt, Oliver, ...	731, 744
Holt, Uriah, ...	179
Holt, William, ...	259
Holten, Israel, ...	712
Holyoke, Rev. Edward, ...	129, 264, 473, 736
Holyoke, Jacob, ...	38
Hooker, Henry, ...	387
Hoole, Thomas, ...	345
Hooper, Nathaniel, ...	484
Hooper, William, ...	46
Hopkins, Samuel, ...	131
Hopkinton, ...	93, 302
Horner, Hannah, ...	680
Horner, John, ...	680
Horse Neck (in Dartmouth), ...	150
Horton, Benjamin, ...	628
Horton, Elizabeth, ...	445
Hoskins, Anthony, ...	450
Hoskins, Micah, ...	102
Hoskins, Nathan, ...	293
Hosley, John, ...	754
Hosley, Martha, ...	754
Hosmer, Jonathan, jr., ...	416, 417
Houghton, Benjamin, ...	295, 341
Houghton, Henry, ...	75
Houghton, Jonathan, ...	142
Houghton, Stephen, ...	46
Houlton, Jonas, ...	487
Houlton, Joseph, ...	384
Houlton, Joseph (son of Joseph Houlton), ...	384
Housatonic River, ...	276, 533
Housatunneck (<i>see</i> Housatonic).	
House, Capt. —, ...	18
House, Maj. —, ...	357, 441
House, Lieut. Elisha, ...	484
Hovey, Hannah, ...	83
Hovey, Sarah, ...	724
How, Abraham, jr., ...	300, 301
How, Enos, ...	658
How, Enos (of Boston), ...	449
How, Francis, ...	278
How, Isaac, ...	291, 368
How, Lydia, ...	278
How, Thomas, ...	728
Howard, Capt. —, 435, 484, 485, 548, 554, 640, 677, 706	
Howard, Amos, ...	247, 325, 382
Howard, Daniel, ...	81, 731
Howard, Capt. Daniel, ...	36
Howard, James, ...	115
Howard, John, ...	385

	PAGE
Howard, Mary, ...	385
Howard, Phineas, ...	110
Howard, Samuel Smith, ...	138
Howe, Lord Viscount, ...	292
Howland, Nathaniel, ...	331
Hoyt, Benjamin, ...	130
Hoyt, Joanna, ...	130
Hoyt, Moses, jr., ...	79
Hubball, Capt. Ithamar, 31, 36, 102, 113, 135, 168, 331, 386 <i>bis</i> , 439, 459	
Hubbard, Elisha, ...	434
Hubbard, Israel, ...	226
Hubbard, John, ...	74
Hubbard, Joseph, ...	74
Hubbard, Capt. Joseph, ...	344
Hubbard, Thomas, 108, 255, 324, 429, 430, 523, 608, 619, 681, 692	
Hubbard, Thomas (Commissary General), 303, 313, 329, 330, 333, 335 <i>ter</i> , 344, 354, 355, 356, 394, 431, 442, 475, 483, 524, 525, 541, 545, 591, 595 <i>bis</i> , 610, 630, 651, 661, 662, 680, 691, 696, 730, 733	
Hubbard, Thomas (Speaker of the House of Representatives), 37, 41, 63, 67, 127, 226, 227, 228, 265	
Hubbell (<i>see</i> Hubball).	
Hucker, Henry, ...	642
Hucker, William, ...	761
Huckman, James, ...	278
Hudson, Seth, ...	167, 526, 603, 679
Huggins, John, ...	113
Hull, ...	386
Humes, Dorcas, ...	638
Humes, Margaret, ...	638
Humes, Nicholas, ...	638
Humes, Richard, ...	638
Humes, Ruth, ...	638
Humes, Sarah (daughter of John Williams), ...	638
Humes, Stephen, ...	638
Humphrey, —, ...	306, 346, 392, 554, 628
Humphrey, James, ...	162
Hunnewell, Roger, ...	636
Hunniwell (<i>see</i> Hunnewell).	
Hunt, Capt. Daniel, ...	248
Hunt, Ephraim, ...	248
Hunt, William, ...	471
Hunter, —, ...	109
Huntstown, ...	212, 329
Hussey, Obed, ...	705
Hussey, Capt. Obed, ...	554, 689
Huston, John, ...	49
Hutchins, Capt. Benjamin, ...	157
Hutchins, Hezekiah, ...	153
Hutchins, Capt. Joshua, ...	113, 194
Hutchinson, Edward, ...	535
Hutchinson, Eliakim, ...	344
Hutchinson, Thomas, 7, 32, 33, 41, 106, 107, 176, 320, 461, 519, 609, 610, 639, 684, 727	
Hutchinson, Lieut.-Gov. Thomas, 463, 576 <i>bis</i> , 577, 593, 594, 601, 611 <i>bis</i> , 684	

I.

Ide, Josiah, ...	248
Ide, Nathaniel, ...	434
Indian Brook (Steep Brook), Natick, ...	507
Indians.	
Baker, Isaac, ...	618
of Barnstable, ...	241

	PAGE
Indians — <i>continued</i> .	
Chalcom, Leah, ...	209, 415
Chappaquiddick, ...	706
Cheeksauhun, Jacob, ...	92
Cognihew, Reuben, ...	702
Cumacher, Elizabeth, ...	209
David, Stephen, ...	485, 506
Dudley, ...	241, 693
Dummchonwob, Sarah, ...	355
at Eastham, ...	241
Elisha, Abner, ...	385
Ephraim, John, ...	754
Ephraim, Joshua, ...	383
Ephraim, Judah, ...	209
Ephraim, Mary, ...	209
Equi, Betty, ...	542
Equi, Zachary, ...	542
of Falmouth, ...	241
Felix, Israel, ...	532, 618
Felix, Thomas, ...	389, 532
Ferrit, Caesar, ...	69, 216
Grafton (<i>see</i> Hassanimisco).	
at Harwich, ...	241
Hassanimisco or Grafton, 10, 209, 210, 217, 241,	
369, 570	
Hill, Nathaniel, ...	216, 371
Hill, Patience, ...	216, 371
Lawrence, Sarah, ...	663
Martha's Vineyard, ...	241
Mashpee, ...	171, 241, 257, 258, 313
Mattakeset, ...	281, 758
Metack, Phillip, ...	262
Middleborough, ...	241
Moses, Aaron, ...	600
Mtockk, Johannes, jr., ...	355
Muet, Isaac, ...	85
Muet, Jane, ...	85
Nantucket, ...	241
Natick, 69, 209, 210, 216 <i>bis</i> , 241, 371, 384, 415 <i>bis</i> ,	
536, 755	
Pagan, Joseph, ...	221
Peagan, John, ...	499
Pegan, Hephzibah, ...	415
Pembroke, ...	241
Pigon, Joseph, ...	542
Pigon, Martha, ...	542
Plymouth, ...	241
Pogenit, Mary, ...	536
Printer, Sarah, ...	209
Puncapaug, ...	88, 178, 230 <i>bis</i> , 241, 393, 547
Quanpunwos, Rhoda, ...	355
Ralph, John, ...	276
Ralph, Thomas, ...	159, 276
Rumney-marsh, Sarah, ...	415
of Sandwich, ...	241
St. Johns, ...	462
Sedauda, ...	157
Six Nations, ...	60
Sooduck, Esther, ...	415
Squam, John, ...	600
Stockbridge, ...	482
Stoughton, ...	332
Thomas, Patience, ...	70
Titticut, ...	389
Tobumso, Samuel, ...	209
Tom, Mary, ...	536, 663
Tray, Sarah, ...	217
Waunumpek, Isaac, ...	355
Wickett, Benjamin, ...	600

Indians — <i>continued</i> .	
Wiser, Benjamin, ...	209, 210, 542
Wiser, Sarah, ...	210
at Yarmouth, ...	241
Yohun, Jehoiakim, ...	275
Indicott (<i>see</i> Endicott).	
Ingalls, Benjamin, ...	101
Ingalls, John, ...	586
Ingersoll, Capt. —, ...	19, 103, 195, 217
Ingersoll, David, ...	107
Ingersoll, David (of Sheffield), ...	466
Ingersoll, Capt. Joseph, ...	68, 166, 290
Ingley, Lieut. Joseph, ...	600
Ingols, Ingolls (<i>see</i> Ingalls).	
Ingraham, Elijah, ...	113
Ipswich, ...	79, 159, 446, 568, 750, 751
Ipswich Canada, ...	438, 630
Ireland, ...	115
Isle au Noix, ...	747
Isley, Isaac, ...	209
Ives, — (commissary), ...	138

J.

Jackson, Edmund, jr., ...	423
Jackson, Joseph, ...	20
Jackson, Mary, & Son, ...	685
Jackson, Moses, ...	600
Jacobs, Jonathan, ...	40
Jarvis, Leonard, ...	408
Jefferd, Capt. Simon, ...	719
Jefferey, Jeffrey (<i>see</i> Jeffery).	
Jeffery, Benjamin, ...	740
Jeffery, Benjamin (son of Benjamin Jeffery), ...	740
Jeffery, Capt. Simon, ...	740
Jeffery's Neck (Ipswich), ...	751
Jenkins, Abigail, ...	8, 32
Jenkins, Benjamin, ...	740
Jenkins, Joseph, ...	8, 32, 69
Jenkins, Southward, ...	740
Johnson, Capt. —, ...	314, 323
Johnson, Gen. —, ...	297
Johnson, Abraham, ...	118
Johnson, Abraham (of Durham, New Hamp-	
shire), ...	297
Johnson, Andrew, ...	80, 136
Johnson, Ann, ...	718
Johnson, Brill, ...	356
Johnson, David, ...	179
Johnson, Elizabeth, ...	718
Johnson, Enoch, ...	179
Johnson, Ezra, ...	628
Johnson, Hannah, ...	80, 136
Johnson, James, ...	86
Johnson, Joanna, ...	356
Johnson, John, ...	498, 708
Johnson, Jonathan, ...	80
Johnson, Josiah, ...	19, 40, 162, 338
Johnson, Josiah, jr., ...	743
Johnson, Moses, ...	60
Johnson, Richard, ...	743
Johnson, Samuel, ...	88
Johnson, Thomas, ...	670
Johnson, William, ...	151
Johnson, Sir William, ...	60
Johnson, Zoeth, ...	244, 714
Jones, Capt. —, ...	417, 499
Jones, Col. —, ...	41, 356
Jones, Elisha, ...	142, 198, 618

	PAGE
Jones, Esther, ...	345
Jones, John, ...	167, 241, 370, 570
Jones, Col. John, ...	594, 609, 628, 640, 658, 708
Jones, Joseph, ...	589
Jones, Josiah, ...	458
Jones, Nathaniel, ...	370
Jones, Seth, ...	345
Jones, William, ...	450
Jones, Capt. William, ...	593, 594
Jordan, Dominicus, ...	605, 606
Jordan, Dudley, ...	304
Jordan, Jonathan, ...	243
Jordan, Samuel, ...	24, 243, 244, 260
Josselyn, Abraham, ...	478
Joy, Thomas, ...	489
Justices of the Superior Court, ...	129, 263, 474, 735

K.

Kast, Dr. Philip Godfrey, ...	642
Katon, Phillip, ...	193
Keen, —, ...	596
Keen, Capt. —, ...	331, 424, 502 <i>bis</i> , 516, 610
Keen, Abel, ...	331
Keen, Capt. Abel, ...	441, 627
Keen, Asa, ...	516
Keen, Francis, ...	111
Keen, Josiah, ...	111, 113, 648
Keen, Margaret, ...	287
Keen, Samuel, ...	287
Keen, Sarah, ...	648
Keen, William, ...	287
Keene (<i>see</i> Keen).	
Keith, Benjamin, ...	143, 337
Keith, Edward, ...	658
Keith, James, ...	485
Keith, Josiah, ...	337
Kellog, Cotton, ...	133
Kellog, Ezekiel, ...	133
Kellog, John, ...	325
Kellog, Capt. Joseph, ...	157
Kellog, Noah, ...	331
Kellog, Oliver, ...	325, 367
Kellog, Russell, ...	325, 367
Kellog, Samuel, ...	325
Kellog, Sarah, ...	325
Kellog, Stephen, ...	450
Kellogg, Nathaniel, ...	113
Kelly, Lydia, ...	634
Kelly's Ferry, ...	248
Kemp, David, ...	157
Kemp, Jason, ...	375
Kemp, Samuel, jr., ...	731
Kendell, Ebenezer, jr., ...	586
Kendell, Samuel, ...	575
Kenderhook (<i>see</i> Kinderhook).	
Kennebec River, ...	141, 691, 695
Kennebec River Expedition, ...	106
Kenny, Samuel, ...	180
Kent, Jacob, ...	284
Kent, Richard, ...	118
Kentfield, Ebenezer, ...	319
Kentfield, Salmon, ...	319
Ketteridge (<i>see</i> Kitteridge).	
Keyes, Mary, ...	403
Keyes, Zebadiah, ...	403
Keys, Abner, ...	526
Kidder, Capt. —, ...	387, 392
Kidder, Capt. Enoch, ...	224, 459, 743

	PAGE
Kidney, John, ...	316
Kilborn, Abraham, ...	214
Kilby, Christopher, ...	53, 138, 608
Kilby, Cushing, ...	528
Kilcup, Dudson, ...	38
Kilpatrick, James, ...	466, 547
Kilpatrick, Sarah, ...	466, 547
Kimball, Abigail, ...	724
Kimball, Amos, ...	194
Kimball, Asa, ...	60
Kimball, Caleb, ...	470
Kimball, George, ...	626
Kimball, John, ...	586
Kimball, Richard, ...	467
Kimball, William, ...	626
Kinderhook (New York), ...	199, 318, 435, 550, 682
King, Capt. —, ...	387, 464, 604
King, Asahel, ...	703
King, Asahel (son of Asahel King), ...	701
King, Ezra, ...	757
King, Capt. Henry, ...	32, 40, 68, 118, 153, 165, 274, 434, 761
King, John, ...	429
King, Peter, ...	61
King, Rebecca, ...	703
King, Reuben, ...	703
King, Richard, ...	276
King, Robert, ...	387
King, Samuel, ...	40, 81, 112, 168, 179, 708
King, Titus, ...	261, 267
King, William, ...	31
King George, the First, ...	269, 270, 271, 272, 668
King George, the ship, ...	36, 114, 155, 156, 158, 233, 316 <i>bis</i> , 334, 353, 419, 430, 462, 489, 508, 540, 576, 673, 745, 751
King William, the Third, ...	482
King's Attorney General, ...	24, 25, 192
Kings Street, Boston, ...	240
Kingsbury, Caleb, ...	369
Kingsley, John, ...	651
Kingston, ...	177
Kinsley (<i>see</i> Kingsley).	
Kitteridge, Jacob, ...	641
Kittery, ...	446
Knap, Job, ...	725
Knap, Peter, ...	725
Kneeland, Phillip, ...	356
Kneeland, Samuel, ...	299, 728
Knight, Abigail, ...	463
Knight, Westbrook, ...	463
Knowles, Capt. —, ...	21, 394
Knowles, Elisabeth, ...	459
Knowles, John, ...	459
Knowles, Martha, ...	459
Knowles, Mary, ...	459
Knowles, Mercy, ...	459
Knowles, Rachel, ...	459
Knowles, Capt. Samuel, ...	321
Knowles, Seth, ...	459
Knowlton, Robert, ...	434
Knox, Mary, ...	175

L.

Labradore, John, ...	125
Lake Almpigon, ...	438
Lake George, ...	18, 22, 24, 35, 62, 124, 131, 135, 144, 160, 188, 213, 218, 225, 244, 274, 297, 391, 452, 547, 556, 571, 581, 665

	PAGE		PAGE
Lake Superior, ...	438	Lincoln, Jeremiah, ...	59
Lakin, Oliver, ...	440	Lincoln County, ...	689
Lancaster, ...	31, 94, 341, 381, 607	Linnel, Jabez, ...	503
Lancaster, Thomas, 58, 386, 467, 498, 586, 600, 602, 656, 658, 708, 724, 743 .		Liscomb (see Liscomb).	
Landerie, Ommer, ...	117	Liscomb, Ebenezer, ...	142
Lane, Capt. —, ...	102	Litchfield, Elisha, ...	339
Lane, Isaac, ...	529	Lithgow, Capt. —, ...	704
Lane, Capt. John, ...	24	Lithgow, William (commander of Fort Halifax), 420	
Lane, Sarah, ...	529	Lithgow, William (committee), ...	689
Langdon, Rev. —, ...	446	Little, Abigail, ...	442, 640
Langdon, Abigail, ...	182	Little, George, ...	72
Langdon, Nathaniel, ...	182	Little, Isaac (a soldier), ...	509, 510
Larkin, John, ...	331	Little, Isaac (of Pembroke), 8, 32, 33, 442, 640, 684	
Larkin, Mathias, ...	731	Little, Isaac (of Plympton), ...	72
Larrabee, Lieut. John, . 126, 266, 476, 586, 652, 758		Little, Lemuel, ...	7, 8, 32
Laten, Jonathan, ...	658	Little, Lucy, ...	443
Law, Richard, ...	753	Little, Moses, ...	748
Lawrence, Capt. —, ...	432, 440, 733	Little, Nathaniel, ...	51, 705
Lawrence, Col. —, ...	331, 382, 387, 459, 575, 628	Littlefield, Capt. —, ...	466, 623
Lawrence, Abel, ...	581	Littlefield, Jeremy, ...	658
Lawrence, Gov. [Charles] (Gov. of Nova Scotia), 142, 608		Livermore, Capt. —, ...	554, 640
Lawrence, Sarah (an Indian), ...	663	Livermore, Daniel, ...	392
Lawrence, William, 30, 32, 36, 74, 81, 92, 113, 114, 157, 172, 186, 291, 368, 392, 432, 440, 444, 547, 552, 586, 733		Livermore, Edmund, ...	189
Lawrence, William (of Groton), ...	172, 223, 583	Livermore, Jonathan, ...	749, 750
Lawrence, Col. William, ...	731, 743	Livermore, Samuel, ...	120, 121, 164, 303, 766
Laws, Archibald, ...	508	Livermore, Samuel (commissary), ...	746
Laws, Thomas, ...	417	Livermore, William, ...	705
Lealand, Henry, ...	507	Livingstone, Robert, ...	108
Learned, Fanning, ...	226	Lock, Josiah, ...	529
Learned, Isaac, ...	60	Lockhart, James, ...	195
Leathe, Robert, ...	346	Long Hill, ...	248
Leathers, Joseph, ...	737	Long Wharf (Minots T.), Boston, ...	239, 240
Lebanon, ...	50, 211, 328, 513	Longfellow, Stephen, ...	554
Leblanc, Jaques, ...	208	Loomis, Benjamin, ...	762
Lee, —, ...	306	Loomis, Enos, ...	762
Lee, Abner, ...	109, 352	Loomis, Josiah, ...	108
Lee, Samuel (of Manchester), ...	396	Lord, John, jr., ...	554
Lee, Samuel (of Sheffield), ...	721	Lord, Joseph, ...	598
Leicester, ...	7, 33, 93, 196, 208, 233, 234, 761	Lord, Samuel, ...	273
Leissner, Commissary —, ...	40, 51	Losh, Casimire, ...	40
Leland, Abner, ...	175	Losh, Katharine, ...	40
Leland, Moses, ...	22	Lothrop, Benjamin, ...	502
Leonard, Capt. —, ...	626	Lothrop, Ruth, ...	502
Leonard, Daniel, ...	95	Loudoun, Earl of, 29, 53, 62, 89, 114, 135, 137, 152, 154, 163, 166, 170, 181, 191, 193, 222, 244, 250, 254, 279, 290, 317	
Leonard, Eliphalet, ...	427, 580	Louisburg, 66, 160, 189, 190, 269, 350, 428, 440, 460, 461, 506, 539, 556, 557, 577, 579, 580, 597, 601, 605, 629 bis, 651, 661, 662, 672, 679, 691, 717, 753, 760	
Leonard, Capt. Eliphalet, ...	653, 761	Louisburg Expedition, ...	119 bis, 351
Leonard, Elkanah, ...	445, 507	Louisburg Harbor, ...	471
Leonard, George, . 86, 122, 230, 253, 422, 555, 690		Love, Margaret, ...	194
Leonard, Zebulon, ...	445	Love, William Richie, ...	194
Lewis, Ebenezer, ...	741	Lovejoy, Stephen, ...	68
Lewis, Ebenezer (son of Ebenezer Lewis), ...	741	Loveland, Eleazer, ...	85
Lewis, Hannah, ...	165	Lovell, John, ...	717
Lexington, ...	190, 580, 614, 715	Lovell, Jonathan, ...	344
Libbie, Capt. —, ...	658	Lovell, Joseph, ...	717
Libbie, James, ...	658	Loving, Samuel, ...	346
Libbie, Capt. John, ...	740	Lovet, Capt. Phineas, ...	167, 168
Libby, Daniel, ...	46	Lovett, Capt. —, ...	596
Libby, Enoch, ...	277	Low, Abigail, ...	588
Lincoln, Col. —, ...	610	Low, Francis, ...	568
Lincoln, Benjamin, 487, 542, 555, 676, 694, 725, 730		Low, Jonathan, ...	168
Lincoln, Benjamin (of Watertown), ...	319	Low, Mary, ...	568
Lincoln, Heman, ...	633	Low, Nathaniel, ...	19, 180
Lincoln, Isaac, ...	633	Lowden, Abner, ...	499
Lincoln, Isaac, jr., ...	113	Luce, Ebenezer, ...	113
Lincoln, James, ...	633		

	PAGE		PAGE
Merrel, Samuel, ...	346	Monson, District of, ...	584, 757
Merret, William, ...	548	Montague, Richard, ...	113, 370
Merrill, Isaac, ...	113	Monte Christo, Bay of, ...	721
Merrimac River, ...	96, 304, 748	Monti Christi (<i>see</i> Monte Christo).	
Merritt, Daniel, ...	41	Montreal, 59, 86, 665, 666, 673, 697, 740, 741, 763	
Merritt, John, ...	549	Montreal (Governor of), ...	435
Merrow, Edward, ...	575	Moodey (<i>see</i> Moody).	
Merrow, Edward (son of Edward Merrow),	575	Moody, Lieut. —, ...	739
Merrow, Mary, ...	226	Moody, Joseph, ...	620
Merrow, Mary (of Reading), ...	575	Moody, Joseph (son of Joseph Moody),	620
Merry, William, ...	636	Moody, Lucy, ...	620
Messer, Abiel, ...	677	Moody, Moses, ...	748
Messinger, Samuel, ...	374	Moody, Samuel, ...	620
Metack, Phillip (an Indian), ...	262	Moody, Sarah, ...	524
Metark, Joseph (an Indian), ...	730	Moody, Thomas, ...	620
Metcalf, Capt. —, ...	554	Moor, More (<i>see</i> Moore).	
Metcalf, Deborah, ...	583	Moore, Capt. —, ...	15, 424
Metcalf, Jonathan, ...	583	Moore, Ebenezer, ...	59
Metcalf, Capt. Jonathan, ...	708, 741, 743, 744, 763	Moore, Capt. Edmund, ...	590, 661
Metcalf, Joseph, ...	583	Moore, Capt. Edward, ...	612
Metcalf, Samuel, ...	732	Moore, Jonas, ...	595
Metcalf, Timothy, ...	478, 732	Moore, Joseph, ...	658
Metcalf, Capt. Timothy, ...	586, 743	Moore, Nathan, ...	572
Methuen, ...	125, 499	Moore, Oliver, ...	94
Meuse (<i>see</i> Mius).		Moore, Increase, ...	343
Middle Lane, ...	756	Moore, Lydia, ...	343
Middle Lane Hill, ...	756	Moreall (<i>see</i> Montreal).	
Middle Street, Boston, ...	306	Morey, —, ...	25
Middleborough, ...	116, 256	Morey, Capt. —, ...	486
Middlesex County, 14, 26, 46, 82, 84, 91, 93, 94, 99,		Morey, Maj. —, ...	549, 550 <i>bis</i> , 551, 588, 589, 636
100, 117, 119, 121, 124, 131, 148, 149 <i>bis</i> , 150,		Morey, Ephraim, ...	153, 575
172, 175, 185 <i>bis</i> , 195, 209, 214, 219, 220, 223,		Morey, Thomas, 25, 57, 86, 101, 122, 142, 186, 214,	
244, 246, 251 <i>bis</i> , 252, 255, 262 <i>bis</i> , 263, 287,		225, 291, 368, 422, 542, 690, 694, 725	
288 <i>bis</i> , 302, 303 <i>bis</i> , 304, 307, 310, 342, 360, 375,		Morey, Capt. Thomas (<i>see</i> Thomas Morey).	
401, 403, 417, 418, 421, 465, 467, 468, 501, 517,		Morey, Maj. Thomas (<i>see</i> Thomas Morey).	
528, 531, 536, 545, 554, 555, 576, 581 <i>bis</i> , 614,		Morgaridge, Mary, ...	749
625, 633, 637, 641, 656, 676, 683, 690, 702,		Morris (<i>see</i> Monis).	
707 <i>bis</i> , 710, 711, 713, 747, 764, 766		Morris, Charles, ...	222
Middleton, ...	117	Morris, Jacques, ...	142, 196, 245
Middleton, William, ...	21	Morrison, Jonathan, ...	358
Mighill, John, ...	434	Morrison's Garrison (Colrain),	232
Miles, —, ...	510	Morse, Eli, ...	187
Mill Creek, ...	277	Morse, Eliakim, ...	744
Mill Swamp (Hatfield), ...	434	Morse, Gershom, ...	217
Miller, Maj. —, ...	183	Morse, Jonathan, ...	434
Miller, James, ...	756	Morse, Joseph, ...	90
Miller, Capt. Stephen, ...	28	Morse, Paul, ...	346, 412
Miller, Thomas, ...	387	Morse, Uriah, ...	217
Miller, Vespasian, ...	594	Morse, William, ...	90
Miller, Peter, ...	248	Mortier, Abraham, ...	596
Milliken, Capt. —, ...	358, 392, 464, 661	Morton, Jonathan, ...	371
Milliken, Capt. Benjamin, ...	60, 63, 708, 724	Mosely, Capt. —, ...	19
Milliken, Edward, ...	173, 277	Mosely, David, ...	762, 763
Mills, Joanna, ...	132	Mosely, Ebenezer, ...	76
Mills, Jonathan, ...	132	Mosely, Capt. John, ...	118
Milton, ...	226, 386	Moses, Aaron (an Indian), ...	600
Milton Bridge, ...	761	Mossman, Timothy, ...	515, 534, 586, 709, 710
Minot, Elizabeth, ...	527	Moulton, Daniel, ...	711
Minot, Ephraim, ...	528	Moulton, Freeborn, ...	113
Minot, James (committee), 93, 126, 208, 220, 221,		Moulton, Jeremiah (Treasurer of County of	
234		York), ...	57, 224, 398
Minot, James (of Concord), ...	527	Moulton, Lieut. Johnson, ...	530
Mirick, James, ...	392	Moulton, Nathaniel, ...	470
Mitchell, Samuel, ...	47	Mount Desert, ...	462
Mius, Charles, ...	191, 385	Mtcock, Johannes, jr. (an Indian), ...	355
Mius, Francis, ...	125	Muet, Isaac (an Indian), ...	85
Mius, Lawrence, ...	125	Muet, Jane (an Indian), ...	85
Mixer, Sarah, ...	124	Muis, John, ...	499, 532
Monis, Judah, ...	128, 294, 475	Mulliken, Capt. —, ...	591

	PAGE
Mulliken, Lieut. Amos, ...	590
Munger, Daniel, ...	450
Murray, Col. —, ...	323
Murray, John, ...	110, 157, 314
Muzzy, Benjamin, ...	448
Muzzy, Hannah, ...	448

N.

Nantucket County, 123, 233, 254, 400, 423, 554, 555, 689	
Nantucket Indians, ...	241
Nantucket, Island of, ...	549
Narragansett Township Number One (Buxton, Maine), ...	51, 173, 211, 328, 513
Narragansett Township Number Two (West-minster), ...	381, 397, 483, 754
Nash, Aaron, ...	156
Nash, Benjamin, ...	462
Nash, Daniel, ...	156
Nash, Enos, ...	554
Nash, Phineas, ...	450
Nash, Timothy, ...	372
Natick, 69, 78, 216 <i>bis</i> , 217, 371, 383, 388, 415, 536, 725	
Natick Indians, 69, 209, 210, 216 <i>bis</i> , 217, 241, 371, 384, 415 <i>bis</i> , 536, 755	
Neal, Thomas, ...	447
Needham, ...	116, 132, 388, 725
Needham, Anthony, ...	113
Nelson, Beatrice, ...	152
Nelson, Ephraim, ...	724
Nelson, George, ...	152
Nelson, Lieut. Thomas, ...	618
Nevers, Samuel, ...	118
Newall, Benjamin, ...	743
Newbury, ...	134, 220, 257, 280, 634
Newbury Street, ...	52
Newell, Capt. Joseph, ...	630
Newell, Timothy, ...	535
Newfoundland, ...	245, 764
Newhall, Benjamin, ...	412, 419, 426
Newhall, Daniel, ...	493
Newhall, Nathan, ...	26
Newhall, Sarah, ...	493
Newhall, Tabitha, ...	26
Newman, Col. —, ...	554
Newman, Maj. —, ...	447
Newman, George, jr., ...	130
Newman, John, ...	423
Newman, Lucy, ...	130
Newton, ...	14
Newton, Abraham, ...	332
Newton, Ephraim, ...	370
Newton, Gershom, ...	268
Newton, John, ...	332
Newton, Jonathan, ...	685
Newton, Joshua, ...	315
Newton, Lemuel, ...	426
Newton, Peter, ...	157
Newton, Sarah, ...	332
New England, 22, 104, 105, 106, 192, 228, 257, 305, 535, 544, 629, 694	
New Gloucester, ...	211, 328, 513
New Hampshire, ...	74, 86, 140, 223, 596, 639
New Jersey, ...	267
New Marblehead, ...	211, 328, 393, 677
New-Meadow Fort, ...	763
New Plymouth, Colony of, ...	695

	PAGE
New Salem, District of, ...	487
New York, 13, 40, 115, 138, 269, 295, 451, 470 <i>bis</i> , 510, 526, 581	
Nickerson, Caleb, ...	528
Nicherson, Eliphalet, ...	726
Nichols, Col. —, 164, 190, 391, 417, 432, 440, 444, 499, 509, 526, 629, 720	
Nichols, Ebenezer, ...	30, 41, 86, 509
Nichols, Ebenezer (grandson of Ebenezer Nichols), ...	86, 509
Nichols, Col. Ebenezer, ...	160
Nichols, John, ...	531, 664
Nichols, Mary, ...	531, 664
Nichols, Susanna, ...	86, 509
Niles, —, ...	225, 392
Niles, Daniel, ...	599
Niles, Elijah, ...	599
Niles, Samuel, ...	241, 331, 346, 462, 490
Niles, Samuel, jr., ...	23, 178
Nixon, Capt. —, ...	71
Noble, —, ...	346
Noble, Capt. —, ...	245
Noble, Arthur, ...	742
Noble, Matthew, ...	19, 113, 118, 162, 198, 331
Noek, Benjamin, ...	487
Nonsuch Round Hill, ...	533
Norcross, Joseph, ...	198
Norcutt, Ebenezer, ...	169
North, Capt. John, ...	424
North America, ...	12, 460, 556, 748
North Meadow, ...	533
North Town, Township of, ...	220
North Yarmouth, ...	173, 677, 678
Northampton, ...	79, 301, 355, 516
Northfield, ...	211
Norton, John, ...	122, 241, 254, 294, 423, 689
Norton, John (collector of excise), ...	500
Nourse, Benjamin, ...	199
Nova Scotia, 13, 14, 78, 116, 117, 132, 157, 163, 176, 191, 196, 208, 222, 226, 236, 296, 315, 400, 417, 428, 429, 452, 460, 461, 462, 486, 506, 525, 530, 547, 553, 556, 557, 567, 597, 601, 604, 620, 661, 662, 664, 691, 697 <i>bis</i> , 729, 737, 744	
Noyce, Col. John, ...	724, 732, 761
Noyes, Col. —, ...	356
Noyes, John, ...	291, 368
Noyes, Nehemiah, ...	658
Noyes, Ward, ...	49
Noyes, Dr. Ward, ...	464
Number One (new town in New Hampshire), ...	418
Number Four, ...	131, 141, 517, 599
Nutting, Josiah, ...	91
Nutting, Keziah, ...	91
Nutting, William, ...	186
Nye, Nathan, ...	631

O.

Oak Hill, ...	66
Obrian, Dennis, ...	591
Odell, Joseph, ...	731
Ogunquet River (<i>see</i> Ogunquit River), ...	
Ogunquit River, ...	616
Oldham, Thomas, ...	306
Old, Mary, ...	645, 646
Old, Reuben, ...	645
Olds, Miriam, ...	168
Oliver, Andrew, ...	429, 430
Oliver, Andrew (commissioner), ...	535

	PAGE		PAGE
Oliver, Andrew (Secretary of the Province), 32, 41, 125, 128 <i>bis</i> , 215, 228, 264, 265, 290, 334, 474 <i>bis</i> , 540, 651, 699, 700 <i>bis</i>		Parker, Josiah, ...	55
Oliver, James, ...	695	Parker, Capt. Moses, ...	585
Oliver, Peter, ...	681	Parker, Oliver, ...	32
Oliver's Dock, Boston, ...	502, 526, 692	Parker, Phineas, ...	724
Oneida Carrying Place, ...	235, 238	Parker, Phineas (of Boston), ...	448
Ordway, James, ...	220	Parker, Capt. Timothy, ...	683, 721
Ordway, Capt. Stephen, ...	748, 749	Parkman, Abigail, ...	654
Orphan Farm, ...	696	Parkman, Elias, ...	654
Osborne, Capt. —, ...	227, 331	Parkman, Dr. Elias, ...	654
Osborne, Jeremiah, ...	424, 425 <i>bis</i> , 437	Parkman, Gideon, ...	550
Osborne, John (administrator), ...	398	Parkman, Samuel, ...	489
Osborne, John (committee), 37, 41, 44, 53, 123, 148, 183, 196, 199, 230, 243, 256, 263, 268, 388, 523, 579, 612, 624		Parkman, William, ...	527, 654
Osborne, Samuel, ...	424, 425 <i>bis</i> , 437	Parmeter, John, ...	351
Osgood, Capt. —, ...	410, 499	Partridge, Col. —, ...	387, 410, 487, 554
Osgood, Daniel, ...	285	Partridge, Oliver, ...	325, 367, 372, 741, 743, 757
Osgood, David, ...	346	Partridge, Col. Oliver, ...	553
Osgood, David (of Billerica), ...	224, 707	Patch, Timothy, ...	588
Osgood, David (of Lancaster), ...	341	Patten, John, ...	214
Osgood, Hannah, ...	641	Patten, Matthew, ...	627
Osgood, John, ...	49, 101, 133, 137, 142, 179	Patten, William, ...	214
Osgood, John, jr., ...	612	Patterson, Eleazer, ...	464
Osgood, Col. John, ...	285	Pattie, Henry, ...	716
Osgood, Josiah, ...	101, 641	Pattin, Capt. William, ...	453
Osgood, Sarah, ...	285	Payne, — (see Timothy Payne).	
Osgood, Solomon, ...	101	Payne, Timothy, 91, 98, 110, 113, 121, 199, 387, 413, 497, 574, 575, 640, 658, 669, 695	
Oswego, ...	650	Payquage, ...	108, 343, 351, 352, 597
Otis, Col. —, ...	631, 664, 670	Payquage Hill, ...	110
Otis, James, ...	187, 688, 731, 740	Payson, David, ...	656
Otis, James (Speaker of House of Representa- tives), ...	652	Payson, Eliot, ...	656
Oxford, ...	283	Peabody, Capt. —, ...	740
P.		Peabody, Joshua, ...	725
Packard, Robert, ...	368	Peabody, Mary, ...	386
Pagan, Joseph (an Indian), ...	221	Peabody, Ruth, ...	661
Page, John, ...	655, 656	Peabody, Thomas, ...	661
Page, Jonathan, ...	724	Peacock, John, ...	182
Page, Jonathan (of Plaistow, New Hampshire), 284		Peagan, John (an Indian), ...	499
Page, Martha, ...	655, 656	Pearce, James, ...	756
Page, Nathan, ...	34	Pearce, Samuel, ...	280, 344
Page, Nathaniel, ...	575	Pearl, Richard, ...	724
Page, Samuel, ...	338	Pearley, Pearly (see Perley).	
Page, Timothy, ...	218	Pearson and Hobbstown (Pearsonstown), 51, 211, 328, 513	
Page, William, ...	111	Pearson, James, ...	586
Pain, Capt. Clarke, ...	604	Pearson, Moses, ...	51
Pain, Rebecca, ...	549	Pearson, Paul, ...	658
Pain, Thomas, ...	549	Pearson, William Brindick, ...	37
Paine (see Payne).		Peary, Josiah, ...	70
Palfrey, John, ...	580	Pease, Nathaniel, ...	341
Palmer, David, ...	323, 413	Pease, Paul, ...	400
Palmer, Francis, ...	386	Pebble, John, ...	592
Palmer, William, ...	413	Peck, —, ...	494
Palmer, District of, ...	258, 540, 757, 758	Peck, Lieutenant —, ...	448, 490
Palmer's River, ...	248	Peck, Hezekiah (administrator), ...	590
Parker, Capt. —, ...	600	Peck, Hezekiah (of Attleborough), ...	590
Parker, David, ...	331	Peck, Capt. Thomas, ...	248
Parker, Ezra, ...	98	Pecker, Jeremiah, ...	622
Parker, Gideon, ...	36	Peckham, William, ...	385
Parker, Capt. Gideon, ...	247, 619	Pegan, Hephzibah (an Indian), ...	415
Parker, Hananiah, ...	346	Peirson (see Pearson).	
Parker, James, ...	133	Pelham, ...	195, 310
Parker, Lieut. James, ...	103	Pell, William, ...	63
Parker, Jonathan, ...	162	Pemaquid (Fort Frederick), 143, 211, 232, 296, 328, 405, 513, 585	
Parker, Joseph, ...	111	Pemberton, Rev. Ebenezer, ...	127
		Pembroke, ...	287, 442
		Pembroke, Ship, ...	544
		Penniman, Hannah, ...	546
		Penniman, James, ...	23, 546

	PAGE		PAGE
Penniman, Jonathan, ...	638	Plaisted, Col. —, ...	103
Penniman, Mary, ...	546	Plaisted, Ichabod, ...	388, 555, 705
Penny, Abraham, ...	724	Plaisted, Thomas, ...	428, 515, 534, 710
Penobscot Expedition, ...	571	Platt, Jonas, ...	724
Penobscot, Fort at, 140, 296, 308, 327, 329, 381 <i>bis</i> , ...	490	Platt, Mark, ...	724
Penobscot River, ...	430, 431	Plumer, Hannah, ...	620
Pepper, Joseph, ...	394	Plumer, Samuel, ...	619, 620
Pepper, Robert, ...	394	Plumer, Samuel (son of Samuel Plumer), ...	620
Pepperell, District of, ...	84, 288	Plymouth, 72, 146, 147, 157, 174 <i>bis</i> , 187, 191, 192, ...	500, 574, 622, 712, 718, 728, 738
Pepperell, Sir William, ...	119 <i>bis</i> , 238	Plymouth County, 9, 17, 54, 55, 64, 70, 72 <i>bis</i> , 80, 112, ...	119, 121, 146, 148, 151, 152, 174 <i>bis</i> , 175, 187, 192, 207, 253, 256, 282, 287, 291, 342, 389, 419, 422, 442, 443, 445, 482, 500, 519, 529, 532, 554, 555, 574, 622, 640, 669, 675, 687, 702, 712, 716, 718, 728, 738
Pequoiag, Pequoiage (<i>see</i> Payquage), ...		Plymouth Indians, ...	241
Perkins, Dr. —, ...	306	Pogenit, Mary (an Indian), ...	536
Perkins, Benjamin, ...	546	Pollard, Benjamin, ...	523
Perkins, David, ...	346	Pollard, Margaret, ...	523
Perkins, Ichabod, ...	113	Pontoosuck, 48, 131, 144, 212, 249, 329, 374, 533, 552, ...	553
Perkins, John, ...	545	Poole, James, ...	41
Perkins, Mary, ...	546	Poole, Samuel, ...	346
Perkins, Sarah, ...	118	Poole, William, ...	186
Perkins, Dr. William P., ...	681	Poor, Capt. —, ...	656
Perley, —, ...	386, 586	Poor, Daniel, ...	351
Perley, Francis, ...	283	Poor, Elizabeth, ...	656
Perley, Samuel, ...	300, 301	Poor, John, ...	749
Perley, Thomas, ...	63, 117, 283, 743	Poor, Jonathan, ...	656
Perry, Capt. —, ...	346, 356	Poor, Philip, ...	651
Perry, Obadiah, ...	291, 368	Porter, —, ...	346, 586, 628
Perry, Timothy, ...	734	Porter, Dr. —, ...	685, 708
Petersham, ...	448, 724	Porter, Rev. —, ...	427
Phelps, Jonathan, ...	581	Porter, Abigail, ...	481
Phelps, Martyn, ...	372	Porter, Abigail (daughter of Eleazer Porter of Danvers), ...	481, 482
Phelps, Nathan, ...	465	Porter, Aphia, ...	439
Phelps, Samuel, ...	520	Porter, Asa, ...	481
Phillips, —, ...	554	Porter, David, ...	481
Phillips, Col. —, ...	579, 681, 692, 725	Porter, Ebenezer, ...	346
Phillips, Caleb, ...	677	Porter, Eleazer (of Danvers), ...	481
Phillips, John, ...	456, 535, 595 <i>bis</i> , 615, 624	Porter, Elijah, ...	481
Phillips, Rev. John, ...	126, 277, 476, 525, 653	Porter, Jerusha, ...	588
Phillips, Peter, ...	659	Porter, John, ...	439
Phillips, Samuel, 438, 458, 464, 556, 677, 697, 731, ...	740, 744, 761	Porter, Jonathan, ...	409
Phillips, Susanna, ...	659	Porter, Joseph, ...	225
Phillips Town, ...	51, 211, 328, 513	Porter, Mary (daughter of Rev. — Porter), ...	427
Phinney, Eli, ...	180	Porter, Mary (daughter of Eleazer Porter of Danvers), ...	481, 482
Phinney, Josiah, ...	384	Porter, Mrs. Mary (of Sherburn), ...	427
Phips, Spencer (Lieutenant-Governor), ...	756	Porter, Mercy, ...	516
Pickman, Benjamin, ...	222	Porter, Nehemiah, ...	306
Pierce, Edward, ...	618	Porter, Samuel (son of Rev. — Porter of Sherburn), ...	427
Pierce, Job, ...	520	Porter, Samuel (son of Eleazer Porter of Danvers), ...	481
Pierce, Jonas, ...	761	Porter, Sarah, ...	306
Pierce, Jonathan, ...	142	Porter, Thomas, ...	688
Pierce, Josiah, ...	85, 198	Porter, Thomas (of Weymouth), ...	516
Pierce, Sarah, ...	654	Porter, Dr. Thomas, ...	731, 761
Pierce, William, ...	654	Porter, Tyler, ...	409
Pigon, Joseph (an Indian), ...	542	Portersham (<i>see</i> Petersham), ...	
Pigon, Martha (an Indian), ...	542	Pottle, Eleanor, ...	66
Pigot, George, ...	677	Powell, Jeremiah, ...	554, 690
Pike, Moses, ...	464	Pownall, John, ...	334
Pike, William, ...	718	Pownall, Gov. Thomas, 11, 40, 48, 51, 54, 60, 114, 125, ...	126, 136, 139, 153, 155, 167, 181, 183, 197, 198, 228, 232, 233, 234, 235 <i>bis</i> , 237, 238, 292,
Pilsbury, Elisabeth, ...	749		
Pinnell, Thomas, ...	455		
Pitcher, Ezra, ...	346		
Pitcher, Moses, ...	162		
Pitman, John, ...	299		
Pitt, Rt. Hon. William, ...	29, 309, 333, 334		
Pitts, George, ...	350, 390		
Pitts, Henry, ...	480		
Pitts, Seth, ...	731		
Pixley, John, ...	13, 14		
Pixley, Mercy, ...	13		

	PAGE
Pownall, Gov. Thomas — <i>continued</i> .	
296, 297, 298, 316, 328, 330, 333, 334, 349, 358,	
370, 374, 381, 390, 398, 400, 404 <i>bis</i> , 405, 416,	
420 <i>bis</i> , 424, 430, 432, 477, 497, 508, 511, 513,	
522, 540, 541, 545 <i>bis</i> , 556, 557, 567, 596, 645	
Pownallborough, ...	513
Pratt (<i>see</i> Pratt).	
Pratt, —, ...	25, 41, 299, 522
Pratt, Capt. —, ...	327, 555
Pratt, Benjamin, ...	27
Pratt, Benjamin (committee), ...	225, 227
Pratt, Capt. Benjamin, ...	306, 627
Pratt, David, ...	571
Pratt, Ebenezer, ...	143
Pratt, Ebenezer (of Bridgewater), ...	435
Pratt, Eunice, ...	714
Pratt, John, ...	658
Pratt, Joseph, ...	291
Pratt, Joshua, ...	714
Pratt, Keziah, ...	291
Pratt, Micah, ...	571
Pratt, Noah, ...	27
Pratt, Phinehas, ...	351
Pratt, Samuel, ...	40, 356
Pratt, Capt. Thomas, ...	456
Prebble (<i>see</i> Preble).	
Prebbles, Robert, ...	695
Preble, Col. —, ...	293, 358, 413, 585, 704
Preble, Abraham, ...	45, 83, 182, 183
Preble, Joshua, ...	45, 83, 182, 183
Prentice, —, ...	663
Prentice, Solomon, ...	282, 346, 743, 755
Prentice, Stephen, ...	346
Presbury, Benjamin, ...	594
Prescott, Capt. —, ...	459, 701
Prescott, Col. —, ...	554, 586, 661, 680
Prescott, Capt. Jonas, ...	585, 708
Prescott, Peter, ...	40
Price, Elizabeth, ...	727
Price, Samuel, ...	33
Price, Thomas, ...	727
Prince, Mary, ...	586
Prince, Rev. Nathan, ...	54
Prince, Rev. Thomas, ...	54
Prince of Wales, the sloop (snow), 238, 241, 471, 610,	
629 <i>bis</i> , 651, 672, 679 <i>bis</i> , 680, 681, 716, 717 <i>bis</i> ,	
718, 753	
Prince Town, District of, ...	584, 636, 671
Printer, Sarah (an Indian), ...	209
Pritchett, Elizabeth, ...	274
Pritchett, Jonathan, ...	274
Procter, Abijah, ...	459
Procter, John, ...	629
Procter, Oliver, ...	586
Procter, Phebe, ...	310
Procter, Phillip, ...	310
Prout, Joseph, ...	90
Providence (Rhode Island), ...	295, 297
Province Galley, ...	106
Province Ship, ...	12, 296, 548, 549
Provincetown, ...	11, 77, 613, 614
Pudding Lane, Boston, ...	582
Puffer, Samuel, ...	356
Pulsifer, William, ...	165
Puncapaug Indians, 88, 178, 230 <i>bis</i> , 241, 393, 547	
Punkapaug, Punkapoog, Punkapouge (<i>see</i> Punc-	
capaug).	
Purrinton, Hezekiah, ...	189
Putnam, Amos, ...	139

	PAGE
Putnam, Cornelius, ...	552, 666, 667
Putnam, Edmund, ...	731
Putnam, Edward, ...	552, 666
Putnam, Jarrant, ...	481
Putnam, Jonathan, ...	586
Putnam, Mary, ...	481
Putnam, Phineas, ...	283
Putnam, William, ...	502
Putney, Elisha, ...	637
Putney, Joseph, ...	487
Pynchon, Joseph, ...	303, 335

Q.

Quanpunwos, Rhoda (an Indian), ...	355
Quebec, 115, 125, 280, 315, 428, 440, 457, 462, 470 <i>bis</i> ,	
510, 525, 548, 581, 650, 714	
Queen Street, Boston, ...	523
Quincy (<i>see</i> Quincy).	
Quincy, Col. —, ...	25, 37, 41
Quincy, Edmund, ...	425, 437
Quincy, Edmund, jr., ...	425, 437
Quincy, Edmund, jr. (of Portsmouth), ...	212
Quincy, Elizabeth, ...	659
Quincy, Henry, ...	425, 437
Quincy, Josiah, ...	659

R.

Ralfe (<i>see</i> Ralph).	
Ralph, John (an Indian), ...	276
Ralph, Thomas (an Indian), ...	159, 276
Ramsdell, Ebenezer, ...	123
Ramsdell, Ephraim, ...	219
Ramsdell, Lydia, ...	219
Ramsdell, Tabitha, ...	123
Rand, William, ...	716
Randall, Abraham, ...	675
Ranger, Joseph, ...	732
Ranger, William, ...	65
Ransom, Content, ...	724
Ranson, Caleb, ...	407
Ranson, Wilson, ...	407
Rawson, William, jr., ...	275
Raymond, Hepzibah, ...	614
Raymond, Jonathan, ...	614
Raynham, ...	632
Rea, Daniel, ...	582
Rea, Daniel (son of Daniel Rea), ...	582
Rea, Ruth, ...	731
Read, Capt. —, ...	25
Read, Maj. —, ...	331
Read, Henry, ...	725
Read, Ithamar, ...	179
Read, Samuel, ...	312, 339, 557
Reading, ...	303, 304, 509
Reed, Capt. —, ...	725, 752
Reed, Maj. —, ...	346
Reed, Benjamin, ...	118
Reed, Ezekiel, ...	248
Reed, Capt. James, ...	194, 624, 627
Reed, Joseph, ...	631
Reed, Peter, ...	346
Reed, Lieut. Samuel, ...	605
Reed, Samuel, jr., ...	118
Reed, William, ...	715, 761
Rees, Andrew, ...	34
Regin, James, ...	681
Rehoboth, ...	171, 248, 249, 250, 514, 578
Remington, John, ...	324, 500, 676, 705

	PAGE		PAGE
Renolds (<i>see</i> Reynolds).		Robinson, Capt. Samuel,	468, 518
Rew, Elnathan,	450	Robinson, Sarah,	75
Reynolds, Ezekiel,	684	Robinson, Thomas,	553
Reynolds, John,	654	Rochester,	19, 20, 54
Rhoads, Samuel,	179, 577	Rockwood, Elisha,	287
Rhode Island,	578	Rockwood, John,	596
Rhode Town (<i>see</i> Road Town).		Rockwood, Richard,	410
Rice, Aaron,	99	Rocky Swamp,	648
Rice, Asahel,	632	Rodes, Ephraim,	743
Rice, Charles (of Brookfield),	318	Rogers, Maj. ———,	465, 531, 583
Rice, Charles (of Westborough),	16, 32	Rogers, Abiel,	749
Rice, Hannah,	632	Rogers, Amos,	701
Rice, Jacob,	749	Rogers, Daniel,	517
Rice, John,	168	Rogers, John,	446, 748
Rice, Josiah,	289	Rogers, John (executor),	283, 284
Rice, Leah,	318	Rogers, John (of Leominster),	283, 284
Rice, Mehetabel,	270	Rogers, John (of Pembroke),	8, 32, 33
Rice, Nathan,	270	Rogers, John (of Westborough),	258
Rice, Noah,	632	Rogers, John, jr.,	749
Rice, Samuel,	98	Rogers, Mary (of Concord),	517
Rice, William,	356	Rogers, Mary (of Ipswich),	599
Rice's Garrison (Charlemont),	48, 211, 232, 329, 522	Rogers, Nathaniel,	283, 284
Rich, David,	354	Rogers, Nathaniel (of Ipswich),	599
Rich, Priscilla,	725	Rogers, Peter,	749
Richards, John,	733	Rogers, Susanna,	283
Richards, Rachel,	753	Rogers, William,	731
Richards, Thomas,	753	Rook, John,	186
Richardson, Capt. ———,	16	Root, Hewit,	341
Richardson, Capt. ——— (committee),	221, 333, 342, 413, 515, 549, 554, 575, 586, 588, 628, 631, 640, 658	Root, Joseph,	694
Richardson, Abiel,	82	Root, Capt. Joseph,	542
Richardson, Asa,	641	Root, Phillip,	331
Richardson, Jonas,	550	Root, Roger,	331
Richardson, Joseph,	641	Ropes, John, 3rd,	358
Richardson, Josiah, jr.,	117	Ropes, Nathaniel,	737
Richardson, Nathaniel,	113	Rosman, George,	108
Richardson, Pearson,	40	Ross, John,	115
Richardson, Capt. Philip,	492	Ross, Robert,	115
Richardson, Sarah,	117	Ross, Samuel,	619, 634
Richardson, Simeon,	680	Ross, Samuel, jr.,	619, 634
Richardson, William,	223, 244, 260, 291, 331, 368, 421, 428, 534, 731, 732, 739	Ross, William,	115
Richardson, Capt. William,	709, 710, 714	Rotch, Capt. Joseph,	123
Richmond,	125	Rouse, Rachel,	737
Richmond, Capt. ———,	739	Rowe, John,	408
Richmond, Capt. Edward,	436	Rowe, Thomas,	439
Richmond, Ephraim,	631	Roxbury,	213, 242, 347, 348, 648, 682
Richmond, Ezra,	358	Roxbury Canada (Mount Grace),	416
Richmond, Hannah,	68	Royal Oak (tavern),	359
Richmond, Nathan,	464	Royall, Isaac,	41, 640
Richmond, Sylvester,	113	Rudge, Thomas,	185
Rider, Ebenezer,	572	Ruggles, Brig., Capt., Col. (<i>see</i> Brig. Gen. Ruggles).	
Rider, Moses,	715	Ruggles, Brig. Gen. ———,	197, 263, 351, 468, 478, 487, 488, 538, 557, 571, 577, 583, 584, 588, 626, 685, 698, 700, 724, 753, 762
Rider, Nathaniel,	715	Ruggles, John,	412
Riggs, Thomas,	158	Ruggles, Timothy,	36, 121, 182, 253, 514
Rindge, Daniel,	625	Rumney-marsh, Sarah (an Indian),	415
Ripley, Capt. ———,	754	Russell, ———,	387, 522, 554
Ripley, Abner,	731	Russell, Judge ———,	8
Road Town,	172, 173, 322, 372, 741	Russell, Benjamin,	628
Robbins, Aquila,	731	Russell, Daniel (commissioner of impost),	105, 107, 608, 609
Roberts, John,	326	Russell, Daniel (Treasurer of Middlesex County),	14, 235, 376, 744
Roberts, Joshua,	46	Russell, George,	331
Roberts, Sarah,	326	Russell, James (commissioner of stamp office),	105, 106, 610
Robins, Benoni,	434	Russell, James (committee),	37, 41, 67, 80, 121, 188, 252, 255, 421, 619, 681, 690, 766
Robins, Ichabod,	75		
Robinson, Capt. ———,	34		
Robinson, Capt. Joseph,	159		
Robinson, Josiah,	179		

	PAGE
Russell, John, ...	73
Russell, John (of Plymouth), ...	148
Russell, Jonathan, ...	83
Rutland, ...	433, 535, 583, 584, 671
Rutland, East Wing, ...	262, 295, 296, 381
Rutledge, Capt. —, ...	760

S.

Sabin, Noah, ...	731
Sachee, Rarney, ...	192
Sacket, Benoni, ...	162
Sackett, Daniel, ...	346
Saco, ...	143, 211, 328, 405, 513
Saco, Garrison at, ...	232
Sadler, Abiel, ...	686
St. Francis, ...	583
St. George's, ...	22, 125, 143, 296, 605, 606
St. George's Fort, ...	424
St. George's River, ...	512
St. John (Nova Scotia), ...	486, 600
St. Johns Indians, ...	462
St. Johns River, ...	479, 585
St. Lawrence River, ...	455, 498, 544, 619, 691
Salem, ...	79, 400, 407, 614
Salmon, William, ...	304
Salt Water Creek, ...	756
Saltonstall, Maj. —, ...	35
Sampson, John, ...	286
Sampson, Levi, ...	346
Sampson, Nehemiah, ...	631
Sampson, Obadiah, ...	356
Sampson, Obadiah (of Middleborough), ...	99
Sampson, Samuel, ...	99
Sanders, Robert, ...	29, 53
Sanders, Thomas, ...	71
Sanderson, Abraham, ...	226
Sandwich, ...	157, 188
Sanger, Isaac, ...	575
Sanger, John, ...	575
Saratoga, ...	35
Sargent, David, ...	707
Sargent, Ezra, ...	707
Sargent, Hannah, ...	707
Sargent, Joseph (of Leicester), ...	707
Sargent, Joseph (of Malden), ...	707
Sargent, Phoebe, ...	707
Saratoga (<i>see</i> Saratoga).	
Sartwell, Abiel, ...	392
Sartwell, Daniel, ...	392
Sartwell, Hezekiah, ...	724
Saul, George, ...	53
Saul, Gideon, ...	469
Saunders, Admiral —, ...	431
Saunders, Capt. —, ...	764
Saunders, Ann, ...	679
Saunders, James, ...	679
Saunders, Robert, ...	531, 591
Savage, Abraham, ...	626, 627
Savage, John, ...	147
Sawtell, Obadiah, ...	251
Sawyer, Dr. —, ...	346
Sawyer, Caleb, ...	708
Sawyer, Joseph, ...	456
Sawyer, Dr. Joseph, ...	724
Sawyer, Josiah, ...	331
Sawyer, Seth, ...	286
Sawyer, Stephen, ...	748
Sawyin, Thomas, ...	725

	PAGE
Sayer, Dr. —, ...	678
Sayer, Abigail, ...	634
Sayer, David, ...	634
Sayer, Hannah, ...	634
Sayer, Joseph, ...	50, 467, 547, 739
Sayer, Mary, ...	634
Sayer, Sarah, ...	634
Sayer, William, ...	634
Sayer, William (grandson of William Sayer), ...	634
Sayward, James, ...	170, 397, 453
Sayward, Jonathan, ...	711
Scarborough, ...	90, 277, 636
Schenectada (<i>see</i> Schenectady).	
Schenectady, 321, 327, 339, 345, 367, 373, 440, 477, ...	490
Schuyler, Col. —, ...	305, 418, 440
Schuyler, John (of Second River in East New Jersey), ...	418
Schuyler, Col. Peter, ...	115, 116
Schuyler, Peter, ...	125
Scott, Ebenezer, ...	518
Scott, William, ...	575, 724
Scott, William (of Sunderland), ...	518
Scotts Bridge, ...	540
Sea Street, Boston, ...	175
Seabury, Samuel, ...	731
Seager, Oliver, ...	187
Seal Islands, ...	278
Searl, Bildad, ...	36
Searl, John, ...	76
Searl, Salter, ...	76
Sears, Elizabeth, ...	179
Sears, John, ...	179
Sears, Jonathan, ...	179
Sears, Jonathan (son of Jonathan Sears), ...	179
Sears, Silas, ...	321
Secombe, Rev. John, ...	504
Sedauda, Mary (an Indian), ...	157
Sergeant (<i>see</i> Sargent).	
Service, Joanna, ...	295
Sever, Nicholas, ...	177
Sewall, Dummer, ...	530
Sewall, Stephen (committee), ...	263, 299, 523
Sewall, Stephen (chief justice), ...	129, 264, 474, 735
Seward, Samuel, ...	538
Shackford, Samuel, ...	736
Shannon, John, ...	731
Sharp, Peter, ...	450
Sharrow, David, ...	355
Shattuck, Benjamin, ...	432
Shattuck, Esther, ...	288
Shattuck, Samuel, ...	725
Shattuck, Samuel (of Groton), ...	432
Shattuck, Thomas, ...	628
Shaw, Hannah, ...	142
Shaw, John, ...	392
Shed, Jonathan, ...	172
Shed, Zaccheus, ...	224
Shears, Samuel, ...	168
Shed, Benjamin, jr., ...	710
Shed, Keziah, ...	710
Sheepscott, ...	115
Sheffield, 13, 22, 23, 71, 108, 132, 231, 232, 235 <i>bis</i> , ...	249, 342, 355, 450, 547, 669, 682, 699, 721, 742 <i>bis</i>
Shelden, Aaron, ...	721
Shelden, Ezekiel, ...	439
Sheldon (<i>see</i> Shelden).	
Sheldon, Abraham, ...	724

	PAGE		PAGE
Sheldon's Garrison (Falltown), ...	143, 211, 232, 329	Smith, Peleg, ...	56
Shepherd, Isaac, ...	387	Smith, Samuel, ...	159
Shepherd, Joseph, ...	25	Smith, Samuel (of Worcester), ...	11
Shepherd, Keziah, ...	25	Smith, Dr. Samuel, ...	355
Sherborn, ...	78, 608	Smith, Sargeant, ...	257
Sherburn (Nantucket), ...	175	Smith, Seth, ...	511
Sherburne, Joseph, ...	114	Smith, Simon, ...	113
Sherman, James, ...	179	Smith, Solomon, ...	579, 580
Sherman, John, ...	663	Smith, Stephen, ...	214
Sherman, John (constable of Rochester), ...	631	Smithfield, ...	85
Sherman, John (a Quaker), ...	631, 632	Snow, ———, ...	588
Sherman, Mary, ...	681	Snow, Capt. ———, ...	726
Sherwin, Ebenezer, ...	675	Snow, Amos, ...	498
Shirley, Gen. ———, ...	157	Snow, Caleb, ...	492
Shirley, William (Governor of Province of Massachusetts Bay), ...	44, 57, 86, 105	Snow, Francis, ...	491, 498
Shiverick, Samuel, ...	553	Snow, Jabez, ...	241
Shrewsbury, ...	541, 717	Snow, John, ...	635
Shumaway, Peter, ...	725	Snow, Sylvanus, ...	159, 276, 354, 725, 731
Shumway, Oliver, ...	731	Snow, William, ...	149
Shurtleff, Abel, ...	346	Sole, Capt. Nathan, ...	56
Shurtleff, Nathaniel, ...	503	Soley, Matthew, ...	622
Shute, Amos, ...	456	Sooduck, Esther (an Indian), ...	415
Simonds, Joshua, ...	311	Soper, Consider, ...	118
Simons [Pierre], ...	215	South Carolina, ...	315
Simpson, Capt. ———, ...	600	South Hadley, District of, ...	156, 541, 542, 694, 695
Simpson, Jeremiah, ...	359	Southack Street, Boston, ...	494
Simpson, Sarah, ...	359	Southampton, District of, ...	79, 234
Sinclair, ...	259	Southborough, ...	78
Six Nations, ...	60	Southworth, Jasher, ...	47
Skelton, Thomas, jr., ...	545	Sowle, John, ...	150, 153
Skilins, Capt. Samuel, ...	606	Sparhawk, ———, ...	41
Skinner, Ebenezer, ...	132	Sparhawk, Nathaniel, ...	705
Skinner, Joseph, ...	419	Sparhawk, Thomas, ...	340 <i>bis</i>
Sloss, Robert, ...	653	Spaulding, Capt. Ephraim, ...	40, 56, 118, 162, 168
Small, Samuel, jr., ...	455	Speer, Paul, ...	654
Smith, Capt. ———, ...	746	Spencer, District of, ...	33, 233, 527, 615, 654
Smith, Abiel, ...	214	Spencer, William, ...	459
Smith, Abigail, ...	603	Spencer, William (of Sheffield), ...	466
Smith, Abraham, ...	426	Spooner, Walter, ...	649
Smith, Alexander, ...	546	Sprague, Capt. ———, ...	25
Smith, Andrew, ...	665	Sprague, Elizabeth, ...	81
Smith, Archelaus, ...	528	Sprague, Joshua, ...	81
Smith, Benajah, ...	579	Sprague, Noah, ...	19
Smith, Braddyll, ...	392, 683	Sprague, Capt. Noah, ...	55
Smith, Caleb, ...	113	Spring, Capt. Henry, ...	571, 581
Smith, David, ...	186	Spring, Thaddeus, ...	726
Smith, Elijah, ...	682	Springfield, 95, 108, 132, 214, 261, 326, 409, 466, 540, 672, 694, 703, 727, 757, 758	
Smith, Elisha, ...	359	Sprout, Capt. ———, 356, 386, 387, 392, 456, 464, 628, 631	
Smith, Elizabeth, ...	416, 591	Sprout, Capt. Ebenezer, ...	293, 435, 708, 724, 743
Smith, Elkanah, ...	113	Spur, Robert, ...	88, 178, 230 <i>bis</i> , 241, 393
Smith, Ephraim, ...	156, 752	Spurr, William, ...	507, 508
Smith, Esther, ...	331	Squam, John (an Indian), ...	600
Smith, Esther (widow of Jacob Smith), ...	745	Stacey, John, ...	193
Smith, Hayward, ...	603	Stacey, William, ...	708
Smith, Henry, ...	752	Stackpole, John, ...	260
Smith, Henry (of Weston), ...	683	Stanhope, Jonathan, ...	414
Smith, Jacob, ...	745	Staniford, Daniel, ...	36
Smith, James, ...	359	Staniford, Daniel (of Ipswich), ...	599
Smith, Jesse, ...	416, 591	Staniford, John, ...	535
Smith, John, jr., ...	24	Stanley, Ichabod, ...	356
Smith, Capt. John, ...	24, 260	Staples, Seth, ...	346
Smith, Lieut. John, ...	227	Staten Island (New York), ...	596
Smith, Jonathan, ...	402	Statton Island (see Staten Island), ...	
Smith, Joseph, ...	346, 352	Stearns, Daniel, ...	269
Smith, Capt. Joseph, ...	747	Stearns, Ebenezer, ...	715, 716
Smith, Josiah, ...	179	Stearns, John, ...	715
Smith, Nathaniel, ...	34, 618	Stearns, Oliver, ...	99
Smith, Capt. Nathaniel, ...	40, 68, 113, 118, 124, 241		

	PAGE
Stearns, Stephen, ...	269
Stebbens, Asaph, ...	541
Stebbins, Moses, ...	186
Stebbins, Stephen, ...	186
Stebbins, William, ...	168
Stebbins, Zebadiah, ...	179
Stepley, John, ...	575
Stetson, Abel, ...	386
Stetson, Ebenezer, ...	32, 113, 411, 414
Stetson, Joseph, ...	274
Stetson, William, ...	528
Stevens, Capt. —, ...	25, 331, 586
Stevens, Abigail, ...	154
Stevens, Ebenezer, ...	654
Stevens, Hannah, ...	272
Stevens, Hannah (of Brookfield), ...	741
Stevens, Isaac, ...	154
Stevens, John, ...	749
Stevens, John (administrator), ...	72
Stevens, John (of Boston), ...	674
Stevens, John (of Salisbury), ...	410
Stevens, Jude, ...	741
Stevens, Martha, ...	72
Stevens, Capt. Phineas, ...	533
Stevens, Roger, ...	708
Stevens, William, ...	421, 434
Stevenson, Isaac, ...	350
Stickney, Samuel, ...	586
Stickney, Thomas, ...	464
Stickney, William, ...	179
Stickney, William (of Billerica), ...	429, 702
Stickney, William (soldier), ...	586
Stiles, Ruth, ...	325, 367
Stillwater, ...	28, 52, 57, 92
Stimpson, Stephen, ...	628
Stimson, Jonathan, ...	392
Stinson, Thomas, ...	387
Stobo, —, ...	440
Stockbridge, ...	211, 275, 355, 696
Stockbridge, Maj. —, ...	412, 502 <i>bis</i> , 640, 697
Stockbridge, David, ...	628
Stockbridge Indians, ...	482
Stockwell, Benajah, ...	464
Stockwell, Experience, ...	91, 113
Stockwell, Ichabod, ...	91
Stockwell, Stephen, ...	36
Stone, —, ...	554
Stone, Abijah, ...	302
Stone, Ann, ...	302
Stone, Daniel, ...	68
Stone, Isaac, ...	731
Stone, John, ...	187
Stone, Jonathan, ...	7, 93, 208
Stone, Josiah, ...	531, 664
Stone, Nathaniel, ...	113, 122, 235, 422, 705, 715, 726
Stone, Zedekiah, ...	724
Stone, Zedekiah (of Petersham), ...	734
Stone, Capt. Zedekiah, ...	96, 153, 261
Story, Amos, ...	60
Story, William, ...	169, 760
Stoughton, ...	76, 116, 732
Stoughton Indians, ...	332
Stratton, Francis, ...	685
Stratton, Samuel, ...	507
Streeter (see Streeter), ...	
Streeter, Jonathan, ...	642
Streeter, Katherine, ...	102
Streeter, Stephen, ...	102
Strong, Nathaniel, ...	157

	PAGE
Strout, Christopher, ...	162
Strowbridge, William, ...	520
Stuart, Richard, ...	291, 368
Studley, Thomas, ...	531
Sturbridge, ...	511
Sturgis, Capt. Samuel, ...	553
Sturtevant, Cornelius, ...	151
Sturtevant, William, ...	64
Sudbury, ...	255, 533
Suffield, ...	95
Suffolk County, 23, 26, 27, 41, 45, 52, 64, 66, 73 <i>bis</i> , 76, 83, 96, 104, 105, 112, 119, 120, 133, 169, 176 <i>bis</i> , 182, 183, 194, 213, 223, 229, 239, 240 <i>bis</i> , 241, 246, 252, 268, 272, 273, 274, 281, 289, 294, 295, 298, 307, 330, 341, 342, 359, 369, 398, 399, 406, 420, 471, 502, 503, 507, 508, 514, 515, 516, 523, 524, 528, 536, 539, 546, 554, 555, 556, 583, 603, 607, 613, 616, 634, 642, 649, 654, 665, 674, 687, 695, 698, 714, 719, 733, 759 <i>bis</i> , 760, 763	
Sugar Loaf Mountain, ...	388
Summer Street, Boston, ...	78
Sumner, Daniel, ...	386
Sumner, John, ...	122, 241, 254, 555
Sumner, Nathaniel, ...	143, 179
Sumner, Capt. Nathaniel, ...	60, 113, 168
Sunderland, ...	388, 472, 473
Sutton, ...	10, 62, 65, 66, 669
Swift, Jirah, ...	56
Swift, John, ...	387
Swift, Samuel, ...	733
Swift, Thomas, ...	733
Symmes, John, ...	412
Symonds, Thomas, ...	386

T.

Tabor, Seth, ...	649
Taft, Joseph, ...	85, 676
Taft, Josiah (see Joseph Taft), ...	
Taft, Martha, ...	677
Taft, Peter, ...	731
Taft, Seth, ...	732
Talbot, Daniel, ...	142, 179
Talbot, Samuel, ...	350, 390
Talbot (see Talbot), ...	
Tapley, Capt. —, ...	222, 358, 484, 605
Taplin, Capt. —, ...	30
Taplin, Capt. John, ...	618
Tappen, Edward, ...	749
Taunton, 19, 20, 22, 146, 149, 150, 171, 305, 377, 390, 396, 400, 436, 496, 568, 750	
Taylor, Capt. —, ...	640, 725
Taylor, Daniel, ...	40
Taylor, Ebenezer, ...	642
Taylor, Eldad, ...	542, 694
Taylor, Eleazer, ...	708
Taylor, Ezra, ...	262, 638
Taylor, Isaac, ...	586
Taylor, John, ...	761
Taylor, Joshua, ...	729
Taylor, Mercy, ...	729
Taylor, Othneil, ...	451
Taylor, Ruth, ...	409
Taylor, Samuel, ...	732
Taylor, Samuel, 2d, ...	409
Taylor's Garrison (Charlemont), 143, 211, 232, 329, 522	
Temple, —, ...	465, 499, 575, 586, 658, 685
Temple, Benjamin, ...	677

	PAGE		PAGE
Temple, Elijah, ...	742	Tionderoga (<i>see</i> Ticonderoga).	
Temple, Isaac, ...	315, 346	Tirril, Jacob, ...	701
Temple, John, ...	226, 465, 732	Titecut (<i>see</i> Titticut).	
Temple, Capt. John, ...	724	Titticut, ...	485, 506
Teneriffe, ...	43	Titticut Indians, ...	389
Tewksbury, ...	125, 641, 702	Titus, Nathaniel, ...	368
Thacher, John, ...	256	Tobumso, Samuel (an Indian), ...	209
Thacher, Josiah, ...	163	Tolman, John, ...	534
Thacher, Mary, ...	256	Tom, Mary (an Indian), ...	536, 663
Thacher, Mary (widow of Peter Thacher), ...	256	Toothaker, Roger, ...	702
Thacher, Mercy, ...	256	Toothaker, Dr. Roger, ...	702
Thacher, Moses, ...	256	Toppans Lane, ...	748
Thacher, Oxenbridge (of Middleborough), ...	383, 392	Torrey, Isaac, ...	585
Thacher, Oxenbridge (son of Peter Thacher of Middleborough), ...	256	Torrey, Jesse, ...	441
Thacher, Peter (of Attleborough), ...	256	Torrey, Jonathan, ...	346
Thacher, Peter (of Middleborough), ...	116, 256	Torrey, Samuel, ...	112
Thacher, Samuel, ...	116, 383	Torrey, Thomas, ...	548
Thacher, Samuel (son of Peter Thacher), ...	256	Torrey, Lieut. Thomas, ...	33, 34
Thacher, Capt. Samuel, ...	138	Torry (<i>see</i> Torrey).	
Thacher, Susanna, ...	256	Tower, Gideon, ...	337
Thacher, Thomas, ...	256	Tower, John, ...	346
Thair (<i>see</i> Thayer).		Town, Anne, ...	597
Thaxter, Capt. —, ...	730	Town, David, ...	60
Thayer, Abel, ...	510	Townsend, ...	219, 223, 418, 473
Thayer, Cornelius, ...	491	Townsend, Robert, ...	627
Thayer, Daniel, ...	184	Township Number Three, ...	725
Thayer, George, ...	673	Township Number Four, ...	249
Thayer, Hannah, ...	167	Trahan, Peter, ...	357
Thayer, Jacob, ...	523, 524	Tray, Sarah (an Indian), ...	217
Thayer, Jacob (son of Jacob Thayer), ...	524	Treadwell, Nathaniel, ...	751
Thayer, Mary, ...	524	Tripp, Samuel, ...	466
Thayer, Oliver, ...	167	Truesdell, Richard, ...	332
Thayer, Uriah, ...	168	Trull, Samuel, ...	386
Thayer, William, ...	604	Trumbal, Lieut. John, ...	558
Thomas, Col. —, 481, 506, 558, 657, 664, 712, 724, 727, 736, 744, 754		Trumble, Ebenezer, ...	261
Thomas, Dr. —, ...	303	Tucker, Amos, ...	550
Thomas, Anthony, ...	526	Tucker, Benjamin, ...	233, 391, 421, 761
Thomas, John, ...	729	Tucker, Benjamin (son of Benjamin Tucker), ...	761
Thomas, Nathaniel Ray, ...	191	Tucker, Capt. Benjamin, ...	712
Thomas, Patience (an Indian), ...	70	Tucker, Jazaniah, ...	179
Thomas, Rowland, ...	685	Tucker, Robert, ...	550
Thompson, Ann, ...	464	Tucker, Uriah, ...	495
Thompson, David, ...	144	Tuckerman, John, ...	582
Thompson, George, ...	464	Tupper, Benjamin, ...	689
Thompson, Isaac, ...	665	Tupper, Mayhew, ...	28
Thompson, John, ...	459, 724	Tupper, Simeon, ...	183
Thompson, Nathan, ...	35	Turky Swamp, Sudbury, ...	533
Thompson, Samuel, ...	665, 666	Turner, —, ...	356, 386
Thompson, Simon, ...	675	Turner, Abner, ...	511
Thompson, Thomas, ...	665	Turner, Amasa, ...	732
Thurston, Daniel, ...	708	Turner, Israel, ...	368, 424, 542
Thurston, Daniel (of Wrentham), ...	515	Turner, John, ...	596
Thwing, John, ...	113	Turner, John (guardian of certain Indians), ...	241
Thwing, Lieut.-Col. Nathaniel, ...	462, 657	Turner, John (of Sturbridge), ...	511
Tibido, Hammond, ...	245	Turner, Joshua, ...	327
Ticonderoga, 234, 293, 314, 325, 332 <i>bis</i> , 336, 356, 370, 382, 458, 479, 492, 551, 594, 631, 684, 740, 752		Turner, Samuel, ...	677
Tilden, Abigail, ...	648	Turner, Lieut. Seth, ...	490
Tilden, Capt. Christopher, ...	648	Turner, William, ...	338
Tilden, Christopher (son of Christopher Tilden), ...	648	Tuttle, Ebenezer, ...	710
Tilden, David, ...	648	Tuttle, Samuel, ...	487
Tilden, Joseph, ...	648	Tuttle, Simon, ...	491
Tilden, Sarah, ...	648, 649	Twitchell, Joseph, ...	346
Tilson, Jonathan, ...	151	Twitchell, Joseph (of Sherborn), ...	593
Tinkham, Joseph, ...	724	Tyler, —, ...	522, 554, 579, 631, 681, 703
Tinkham, Samuel, ...	456	Tyler, Abraham, ...	293, 658
Tinney, Samuel, ...	352	Tyler, Bethiah, ...	442
		Tyler, Capt. Nathan, ...	356, 631
		Tyler, Royal, ...	268, 420, 471, 570, 662, 687
		Tyler, Thomas, ...	442

	PAGE
Tyler, William, ...	268
Tynan, Richard, ...	216
Tyng, Eleazer, ...	675
Tyng, John, 25, 41, 225 <i>bis</i> , 227, 247, 387, 483, 522	
Tyng, Col. John, ...	675

U.

Umpfrey (<i>see</i> Humphrey).	
Upham, Dr. ———, ...	411 <i>bis</i> , 413
Upham, Capt. Jabez, 65, 113, 145, 153, 272, 273, 318,	
	323
Upton, ...	686
Upton, William, ...	724, 732
Uxbridge, ...	671

V.

Vail, Capt. ———, ...	192
Vanhorn, Christian, ...	161
Vassall, Lucy, ...	543
Verry, Isaac, ...	555
Vinton, John, ...	724
Virginia, ...	760
Vose, Capt. ———, ...	498
Vose, Stephen, ...	486
Vose, Capt. Thomas, ...	534

W.

Wadsworth, Ichabod, ...	482
Wadsworth, Wait, ...	430
Wait (<i>see</i> Waite).	
Waite, Benjamin, jr., ...	393
Waite, Elisabeth, ...	743
Waite, John, ...	752
Waite, Nathan, ...	743
Waite, Thomas, ...	523
Walcot, Benjamin, ...	306
Waldo, Brig ^d . [General] ———, ...	455
Waldo, Col. ———, ...	445, 606
Waldo, Capt. Ralph, ...	193
Waldo, Samuel, ...	114, 505, 605, 606, 690, 731
Waldo, Brig ^d . Samuel, ...	505
Waldo, Col. Samuel, ...	331
Wales, Nathaniel, ...	77
Walker, Capt. ———, ...	346, 445, 464, 498, 554, 626
Walker, Abijah, ...	581
Walker, Ephraim, ...	464
Walker, John, ...	392
Walker, Joseph, ...	168
Walker, Lydia, ...	581
Walker, Phillip, ...	168
Walker, Capt. Phillip, ...	250, 491, 492
Walker, Susanna, ...	273
Walker, Thomas, ...	456
Walker, Timothy, ...	168
Walker, Timothy (of Rumford), ...	639
Walker, Capt. Timothy, ...	118, 279
Walker, William, ...	103
Walklate, John, ...	665
Walley, Abiel, ...	398
Wallingsford, James, ...	331
Wallis, Ebenezer, ...	165
Wallis, James, ...	7, 93, 208
Walpole, ...	592
Waltham, ...	403, 501
Walton, John, ...	685
Walton, Josiah, ...	331

	PAGE
Walton, Thomas, ...	179
Ward, Capt. ———, ...	462
Ward, Col. ———, ...	387 <i>bis</i> , 554, 640, 677, 695
Ward, Artemas, 32, 94, 130, 142, 434, 435, 594, 635,	
	688
Ward, Col. Artemas, ...	724
Ward, Isaac, ...	746
Ward, Isaac (son of Isaac Ward), ...	746
Ward, Jabez, ...	657
Ward, Jedediah, ...	657
Ward, Jonathan, ...	426
Ward, Richard, ...	109
Ware, Beriah, ...	603
Ware, Dr. Ephraim, ...	610
Ware, Hannah, ...	603
Ware, Margaret, ...	603
Ware, Michael, ...	113
Ware, Peletiah, ...	603
Ware, Unity, ...	603
Ware River, ...	583
Wareham, ...	697
Warner, Aaron, ...	286
Warner, Benajah, ...	450
Warner, Caleb, ...	628
Warner, Eleazer, ...	575
Warner, Elisha, ...	179
Warner, Hannah, ...	603
Warner, Nathan, ...	286
Warner, Wareham, ...	603
Warren, ...	578
Warren, Ebenezer, ...	761
Warren, James, ...	423
Warren, James, jr., ...	9
Warren, John, ...	162, 713
Warren, Joseph, ...	213
Warren, Lady, ...	60
Warren, Mary, ...	213
Warren, Sir Peter, ...	60, 608
Warren, William, ...	720
Warriner, Reuben, ...	671
Warriner, Sarah, ...	671
Washburn, Benjamin, ...	731
Waters, Ebenezer, ...	306
Waters, Josiah, ...	523, 524
Waters, Rebecca, ...	306
Waters, Seward, ...	306
Waters, William, ...	306
Waters, William (a minor), ...	306
Waters, William (of Boston), ...	306
Watertown, ...	318, 319
Watson, Col. ———, ...	554
Watson, George, ...	253, 422
Watson, Col. George, ...	697
Watson, Oliver, ...	13, 14
Watts, Samuel, 41, 120, 191, 221, 234, 236, 252, 295,	
297, 382, 388, 394, 420, 447, 523, 555, 664, 668,	
671, 687, 703, 705	
Waunumpek, Isaac (an Indian), ...	355
Wayle, Jacob, ...	552
Webb, General ———, ...	29
Webb, Deborah, ...	294
Webb, Joseph, ...	294
Webb, Mary, ...	294
Webb, Susanna, ...	294
Webber, Samuel, ...	742
Webber, Trennance, ...	112
Webber, William, ...	761
Weed, William, ...	749
Weeks, Shubal, ...	553

	PAGE		PAGE
Weld, Edmund, ...	654	Whitecomb, Jonathan, ...	491
Weld, Edward, ...	654	Whitecomb, Joseph (guardian), ...	31
Weld, Edward (of Roxbury), ...	347	Whitecomb, Samuel, ...	568
Weld, Elizabeth, ...	654	Whitecomb, Susannah, ...	31
Weld, Job, ...	390	Whitecomb, William, ...	36
Weld, John, ...	654	White, Capt. —, ...	753
Weld, Joseph, ...	654	White, Col. —, 25, 86, 225, 263, 331, 346 <i>bis</i> , 367, 554	
Weld, Thomas, ...	654	White, Christian, ...	619, 620
Weldon, Seth, ...	321	White, Capt. David, ...	35, 572 <i>bis</i>
Welles, Samuel, ...	579, 619, 624	White, Eliab, ...	101
Wells, ...	616, 617, 663	White, Jeremy, ...	215
Wendell, Col. —, ...	227	White, John, ...	113, 179, 575
Wendell, Jacob, ...	37, 41, 67, 231, 324, 388, 523	White, John (of Charlestown), ...	251
Wenham, ...	409	White, Rev. John, ...	619
Wentworth, Capt. —, ...	712	White, Jonathan, ...	667
Wesson, James, ...	732	White, Mary, ...	504
West, Elizabeth, ...	293	White, Patrick, ...	575
West, Capt. Peter, ...	163, 293	White, Samuel, 80, 113, 122, 150, 187, 253, 357, 422, 454, 476, 480, 486, 492 <i>bis</i> , 496, 498	
West, Rev. Stephen, ...	696	White, Samuel (Speaker of the House of Representatives), ...	522
Westborough, ...	529, 678	White, Thomas, ...	321
Westbrook, Col. Thomas, ...	114	White, Thomas (of South Hadley), ...	186, 289
Westcott, Walter, ...	97	White, William, ...	620
Western Expedition, ...	273	White, William (of Watertown), ...	164
Westfield, ...	14, 37, 55, 95, 249, 553, 555	Whiting, Capt. —, ...	584
Westford, ...	91	Whiting, Eliphalet, ...	32, 113
West Hoosac, 48, 56, 60, 67, 144, 167, 211, 212, 232, 301, 329, 405, 522, 526, 603, 679		Whiting, Joseph, ...	641
West Hoosuck (<i>see</i> West Hoosac), ...		Whiting, Stephen, ...	425, 437
Westminster, District of, ...	483, 484, 587, 660	Whitmore, Nathaniel, ...	658
Weston, ...	136, 533, 570	Whitney, —, ...	336, 586
Weston, Daniel, ...	732	Whitney, Abraham, ...	286
Weston, Isaac, ...	714	Whitney, Amos, ...	473
Wethered, Samuel, ...	281	Whitney, Daniel, ...	226
Wethered, Sarah, ...	240, 281	Whitney, James, ...	214
Wetherell, Witherel (<i>see</i> Witherell), ...		Whitney, Joseph, ...	214
Wet Meadow, ...	663	Whitney, Solomon, ...	42, 153
Whaland, Isabella, ...	672	Whitney, Thomas, ...	113
Whaland, Michael, ...	672	Whittemore, Benjamin, ...	246
Whalen, Edward, ...	650	Whittemore, John (of Leicester, son of John Whittemore of Malden), ...	246
Wheeler, Abijah, ...	713	Whittemore, John (of Malden), ...	246
Wheeler, Esther, ...	713	Whittemore, Joseph, ...	333
Wheeler, Isaac, ...	555	Whittemore, Nathaniel, ...	738
Wheeler, John, ...	331	Whittemore, Peletiah, ...	246
Wheeler, Jonathan, ...	713	Whittemore, Ruth, ...	246
Wheeler, Lucy, ...	713	Whitwell, William, ...	471
Wheeler, Solomon, ...	713	Wickett, Benjamin (an Indian), ...	600
Wheeler, Squier, ...	11	Wigglesworth, Edward, ...	427
Wheeler, Tabitha, ...	392, 713	Wigglesworth, Rev. Dr. Edward, 129, 264, 475, 735	
Wheeler, Thomas, ...	46	Wight, Capt. —, ...	28
Wheeler, William, ...	498	Wilder, Daniel (David), ...	504
Wheelock, Jonathan, ...	184	Wilder, David, ...	142, 179
Wheelwright, John (Commissary General), 18, 22, 50, 51, 56, 60, 67, 90, 91, 127, 165, 181, 187, 197, 215, 234, 280, 377, 378 <i>ter</i> , 379 <i>ter</i> , 380 <i>ter</i> , 381, 441, 442 <i>bis</i>		Wilder, Jonas, ...	179
Wheelwright, John (committee), ...	554	Wilder, Phineas, ...	331
Wheelwright, Nathaniel, ...	215, 234	Willard, Col. —, ...	488, 591, 593, 599, 724
Whetcomb (<i>see</i> Whitecomb), ...		Willard, Aaron, ...	331
Whipple, James, jr., ...	181	Willard, Capt. Aaron, ...	352, 353, 489, 494, 495, 583
Whipple, Capt. John, ...	193	Willard, Col. Abijah, ...	468, 594
Whipple, William, ...	731	Willard, Ann, ...	504
Whitaker, John, ...	577, 578	Willard, Capt. Arnold, ...	548
Whitaker, Phillip, ...	411	Willard, Capt. Caleb, ...	352, 353, 489, 494, 495
Whitecomb, Capt. —, ...	384	Willard, Hannah, ...	613
Whitecomb, Col. —, ...	28, 595, 698, 724	Willard, Isaac, ...	685
Whitecomb, Anna, ...	31	Willard, John, ...	504
Whitecomb, Hezekiah, ...	223	Willard, Josiah, ...	613
Whitecomb, John, ...	31	Willard, Levi, ...	724
Whitecomb, Col. John, ...	647	Willard, Nathaniel, ...	352, 495
		Willard, Phineas, ...	342

	PAGE
Willard, William, ...	613
Williams, Capt. —, ...	658
Williams, Col. —, ...	8, 35, 107, 462, 600, 602
Williams, Maj. —, ...	199, 680
Williams, Dorcas (<i>see</i> Dorcas Humes).	
Williams, Elijah, ...	458
Williams, Elijah (committee), 121, 158, 173, 179, 252,	688
Williams, Elijah (of Deerfield), ...	472
Williams, Ephraim, ...	106
Williams, Israel, ...	106, 252, 311, 314, 688, 750
Williams, Col. Israel, ...	121, 516
Williams, James, ...	683, 684, 690, 725, 731, 752
Williams, Capt. James, ...	643
Williams, Capt. Job, ...	588, 657
Williams, John, ...	638
Williams, Capt. John, ...	683
Williams, Jonathan, ...	638
Williams, Joseph, ...	52, 120, 456
Williams, Capt. Joseph, ...	113
Williams, Col. Joseph, 367, 448, 490, 510, 572 <i>bis</i> , 730,	731
Williams, Josiah, ...	291, 368
Williams, Mary, ...	692
Williams, Nathan, ...	142
Williams, Nathan, 2nd, ...	56
Williams, Samuel, ...	242
Williams, Seth, jr., ...	324, 500, 705
Williams, Stephen, ...	638, 648
Williams, Thomas, ...	472
Williams, William, ...	696
Williams, William (surgeon), ...	700
Williams, Col. William, . 571, 581, 587, 592, 631, 635	
William's Garrison (Pontoosuck), 48, 144, 211, 329	
Willis, Capt. Ebenezer, ...	521
Willis, Joseph, ...	486
Willis, Joseph (son of Joseph Willis), ...	486
Willis, Joshua, ...	708
Willis, Silas, ...	752
Williston, Hannah, ...	285
Williston, Hannah (daughter of Hannah Willis-	
ton), ...	285
Williston, Joseph, ...	285
Williston, Margaret, ...	285
Williston, Noah, ...	285
Williston, Thomas Stebbins, ...	285
Wilmington, ...	125, 710
Wilson, Henry, ...	113, 528
Wilson, James, ...	182
Wilson, John, ...	392
Wilson, Leonard, ...	136
Wilson, Lucas, ...	346
Wilson, Nathaniel, ...	343
Wilson, Robert, ...	291, 368
Wilson, Sarah, ...	343
Wilson, Thomas, ...	453
Wimble, James, ...	306
Wimble, Thomas, ...	306
Wimble, William, ...	306
Winch, Samuel, ...	99
Winch, Thomas, jr., ...	102, 103
Winchell, Lydia, ...	186
Winchester, Joshua, ...	181
Winchester, Lemuel, ...	681
Wing, —, ...	355 <i>bis</i>
Wing, Sylvanus, ...	751
Wingate, Elisabeth, ...	32, 186
Winslow, Col. —, ...	604
Winslow, Gen. —, ...	38, 420, 618, 756

	PAGE
Winslow, Edward (farmer of excise), ...	419
Winslow, Edward (of Plymouth), ...	17
Winslow, Edward (treasurer of Plymouth	
County), ...	72
Winslow, Capt. Edward, ...	355
Winslow, Ezra, ...	705
Winslow, Isaac, ...	429, 430
Winslow, Isaac (of Marshfield), ...	17
Winslow, Job, ...	331
Winslow, John, ...	17
Winslow, Col. John, ...	106
Winslow, Thomas, ...	645
Winter, William, ...	165
Winthrop, Adam, ...	535
Winthrop, John, ...	128, 265, 404, 475, 735, 764
Wise, Elizabeth, ...	654
Wiser, Benjamin (an Indian), ...	209, 210, 542
Wiser, Sarah (an Indian), ...	210
Wisor (<i>see</i> Wiser).	
Wiswall, Ichabod, ...	324
Witherbee, Samuel, ...	331
Witherby, James, ...	708
Witherell, Joseph, ...	367
Witherell, Seth, ...	537, 589
Witt, —, ...	582
Witt, Ebenezer, ...	637
Witt, Samuel, ...	58, 94, 179, 221, 303, 382
Wittum, Jonathan, ...	469
Woburn, ...	149, 338, 545
Wolfe, Maj. Gen. —, ...	400, 408
Wood, Capt. —, ...	673, 677, 680
Wood, Dr. —, ...	701
Wood, Aaron, ...	283
Wood, Amasa, ...	18, 19
Wood, Caleb, ...	124
Wood, Ebenezer, ...	731
Wood, Isaac, ...	267
Wood, Jabez, ...	118
Wood, James, ...	331
Wood, John, ...	63
Wood, Jonathan, ...	686
Wood, Joseph, ...	571
Wood, Josiah, ...	250
Wood, Patience, ...	267
Wood, Solomon, ...	267
Wood, Capt. Solomon, . 643, 673, 676, 725, 732, 753	
Wood, William, ...	150, 167, 575
Woodbridge, Timothy, 90, 93, 275, 276, 291, 356,	
	357, 368
Woodbury, James, ...	588
Woodman, Benjamin, ...	39, 103
Woodman, Capt. Joseph, ...	84
Woods (<i>see</i> Wood).	
Woods, Benjamin, ...	628
Woods, Ephraim, ...	157
Woods, Isaac, ...	81
Woods, John, ...	459
Woods, Jonas, ...	81
Woods, Jonathan, ...	485
Woods, Moses, ...	288
Woods, Patience, ...	459
Woodstock, ...	10, 371, 573
Woodward, Benjamin, ...	244
Woodward, James, ...	30
Woodward, Richard, ...	670
Woodward, Thomas, ...	244
Woolson, Benjamin, ...	186
Worcester, 7, 14, 48, 151, 208, 233, 234, 260, 283, 284,	
	322, 336, 441, 461, 532, 553, 686, 740

	PAGE		PAGE
Worcester County, 8, 10, 16, 31, 48, 54, 62, 65 <i>bis</i> , 74, 77, 82, 85, 91, 93, 94, 102, 108, 119, 121, 151, 154, 158, 181, 182, 184, 189, 194, 207, 209, 210, 224, 249, 250, 253, 259, 260, 262, 267, 269, 270 <i>bis</i> , 271 <i>bis</i> , 272, 274, 275 <i>bis</i> , 279, 283, 286, 304, 312, 317, 320, 326, 342 <i>bis</i> , 343 <i>bis</i> , 371, 421, 441, 447, 448, 461, 497, 504, 511, 512, 529, 531, 535, 541, 552, 554, 555, 574, 592, 597, 615, 630, 632, 646 <i>bis</i> , 650, 659, 660, 664, 666, 667, 686, 688, 697, 717, 726, 734, 741, 745 <i>bis</i> , 748, 749, 752, 754, 760		Wright, Joseph, ...	394
Worcester, Eldad, ...	464	Wright, Nehemiah, ...	109
Wormwood, Joseph, ...	391	Wright, Reuben, ...	701
Wormwood, Sarah, ...	391	Wright, Thankful, ...	650
Worthington, Col. —, ...	589	Wright, Thomas, ...	701
Worthington, John, 108, 113, 121, 161, 168, 186, 352, 392, 482, 555, 608, 688, 747		Wright, William, ...	708
Wrentham, ...	116, 226, 641, 642	Wyer, David, ...	746
Wriford, John, ...	305	Wyer, William, jr., ...	156
Wright, Benjamin, ...	630	Wyman, Asa, ...	547
Wright, Charles, ...	731	Wyman, Dorcas, ...	418
Wright, Daniel, ...	113	Wyman, Ebenezer, ...	418, 548
Wright, David, ...	743	Wyman, Capt. Isaac, ...	526, 603, 679
Wright, Ebenezer, ...	650	Wyman, Joshua, ...	498
Wright, John, ...	144, 661, 677	Wyman, Noah, ...	711
Wright, Capt. John, ...	171	Wyman, Silas, ...	724
Wright, Jonathan, jr., ...	731		

Y.

Yokun, Jehoiakim (an Indian), ...	275
York, ...	100, 114, 446, 455, 574, 706, 742
York County, 9, 46, 47, 57, 84, 90, 98, 100, 111, 119, 122, 162, 170, 189, 199, 209, 224, 254, 276, 277, 342, 397, 422, 453, 458, 463, 505, 530, 554, 555, 574, 616, 627, 663, 689, 706, 711	
Young, John, ...	433
Yongs Dam (Dartmouth), ...	649

GENERAL INDEX.

INDEX.

A.

ABATEMENT

of taxes:	
in Boston, ...	602
in Dartmouth, ...	521
in Freetown, ...	521
in Swansea, ...	521
in Taunton, ...	521

ACCOUNTS.

between John Osgood, jr., and John Osborne, settled, ...	612
of Agent Bolland allowed, ...	96, 292
of Capt. Gamaliel Bradford, balance of, allowed, ...	754
of Duncan Campbell allowed, ...	14
of captains and sutlers, relative to, ...	639, 708
of James Cobham, sutler, allowed, ...	720
of committee to apportion the French Neutrals:	
in Middlesex County, allowed, ...	766
in Suffolk County, allowed, ...	698
in Worcester County, allowed, ...	697
of Phineas Frary for nursing, etc., allowed, ...	730
of Thomas Hubbard, Commissary General, relative to, ...	595 <i>bis</i>
of keepers of taverns for billeting soldiers, allowed, ...	137
of last year's campaign (1757), relative to, ...	333
of Province Treasurer, relative to, 105, 106, 607, 609	
of Col. Schuyler, allowed, ...	418
of support of French Neutrals to be delivered to agents of Gov. Lawrence, ...	142
of John Wheelwright, Commissary General, relative to, 377, 378 <i>ter</i> , 379 <i>ter</i> , 380 <i>ter</i> , 441, 442 <i>bis</i>	
of Hezekiah Whitcomb for billeting, allowed his heirs, ...	223

ACTION.

Abner Clough and others, petition of, for re-hearing of actions, ...	79
for damage to property, Ebenezer Hinsdale and Samuel Hinsdale to bring an, ...	388
William Gregory impowered to review an, 83, 182	
John Russell, petition of, relative to actions, ...	73
Ebenezer Trumble, petition of, for a re-hearing of, ...	261
Samuel White and William Wood impowered to defend an, ...	150

ACTS.

Excise Act, fines for breach of, remitted, ...	471
for granting the sum of fifteen hundred pounds to encourage the manufacture of linen, 429	
for granting unto his Majesty, rates and duties of impost and tonnage of shipping, ...	20
for preventing exportation of provisions and warlike stores, ...	12
for supplying the treasury with a sum of money by lottery, ...	399

ACTS — *continued.*

providing remedy for bankrupts and their creditors, 212, 424, 425 <i>bis</i> , 508, 538, 543, 573, 621	
to prevent and make void clandestine and illegal purchases of lands from the Indians, ...	482

AGENT, PROVINCE.

William Bolland:	
account of, for expenses, allowed, ...	96, 292
allowance to, for services, ...	96, 292
chosen, ...	577
committee to prepare instructions to, relative to the Parliamentary Grant, ...	263, 268
dismissed, ...	488
instrument to be executed for, relative to money granted by Parliament, ...	228
granted leave to return home, ...	694
John Pownall to be joined with, in receiving and remitting money granted by Parliament, ...	334
remittance to, ...	138
Secretary to write to, relative to leaving Great Britain, ...	170

ALARM (late).

appropriation for:	
transfer from appropriation for bayonets, etc., to, ...	293
transfer from appropriation for bounty to, ...	390
transfer from appropriation for forts and garrisons to, ...	438, 468
transfer from appropriation for grants to, ...	382
ALBANY, Town of.	
Province stores at, Commissary General to dispose of, ...	591
sick soldiers at, allowance to Samuel Blodgett for charges upon, ...	720

ALEWIVES.

petition of Plymouth relative to fishing for, ...	155
---	-----

AMHERST, District of.

taxes in, relative to, ...	402
----------------------------------	-----

AMMUNITION.

to be sent to blockhouse at West Hoosac, ...	60
--	----

ANNAPOLIS.

bounty for soldiers stationed at, allowed:	
to Abijah Bangs, ...	726
to Jeremiah Mantor, ...	726
to Eliphalet Nickerson, ...	726
to Thaddeus Spring, ...	726
John Colman in service at, allowed part of his wages, ...	558
commissaries of hospital stores at, allowance to, 746	
Capt. Tapley's company at, wages due Lieut. Elisha House in, allowed, ...	484

APPEAL.

William Spencer, petition of, to enter an, ...	466
--	-----

APPROPRIATIONS.

- for bayonets, etc.:
 - transfer from, to appropriation for payment of forces upon the late alarm, . . . 293
- for billeting:
 - transfer from, to appropriation for the Province Ship, ... 395
- for bounty:
 - transfer from, to appropriation for the Alarm, 390
 - transfer from, to appropriation where there is no establishment, ... 390
- for Commissary's disbursements:
 - transfer from, to appropriation for forts and garrisons, ... 152
- for Crown Point expedition:
 - transfer from, to appropriation for billeting, 152
 - transfer from, to appropriation for bounty, . . . 152
- for forces under command of Earl of Loudoun:
 - payment for the charge of a train of artillery to be paid from, ... 181
 - payment of officers and crew of Province Ship, King George, etc., to be paid from, . . . 114
- for forts and garrisons:
 - expense of barrack utensils to be paid from, 238
 - transfer from, to appropriation for support of French Neutrals, ... 486
 - transfer from, to appropriation for the alarm, 438, 468
 - transfer from, to appropriation where there is no establishment, . . . 460, 463, 645, 732
- for grants:
 - transfer from, to appropriation for pay of the forces on the late alarm, ... 382
 - transfer from, to appropriation where there is no establishment, ... 152
- for the invasion (1759):
 - transfer from, to appropriation for commissary's disbursements, ... 438
- where there is no establishment:
 - transfer from, to appropriation for the committee of war, ... 38

ARMOREE.

- in Crown Point expedition:
 - balance due, allowed, ... 198
- to be provided for forces under Col. Frye, . . . 29

ARMS.

- allowance to Commissary General to purchase, 356
- amount stopped out of wages of soldiers for,
 - allowed, 11 *bis*, 13, 17, 30 *bis*, 35 *bis*, 39, 47, 49 *bis*, 58, 62, 74, 91, 92 *bis*, 101, 102, 111, 124, 136 *bis*, 137, 138, 149, 169, 218, 219, 273, 282, 369, 370, 390, 392, 440, 445, 450, 462, 467, 469, 478, 479, 484, 486, 491, 492, 498 *bis*, 499, 502, 513, 548, 550, 585, 591, 599, 626, 627, 629, 656, 670, 673, 681, 683, 684, 685, 695, 696, 714, 715, 755

ARMS — continued.

- gun belonging to Solomon French to be delivered to his administrator, ... 18
- guns, etc., to be sent for garrison at Pearson and Hobbstown, ... 50
- guns furnished by soldiers in Crown Point expedition, allowance for use of, 16, 18, 34, 62, 63 *bis*, 92, 102, 113, 137, 182
- guns lost in Canada expedition, allowance for, 631
- guns lost in Crown Point expedition, allowance for, . . . 29, 37, 120, 161, 214, 274, 589
- guns lost in public service, 261, 517, 594, 636, 656, 695, 733
- relative to the return of, ... 89, 166, 247

ARTILLERY.

- allowance to defray the charge of a train of . . . 181

ASSAULT AND BATTERY.

- upon officer in discharge of his duty, ... 108

ASSESSORS.

- in Brimfield, directions to, ... 584
- in Dartmouth, assessments of, confirmed, 56, 543
- in Holden, impowered to assess tax upon unimproved lands of non-residents in, . . . 158
- in Rutland, directions to, ... 584
- in Sherburn (Nantucket) assessment made by, confirmed, ... 175
- in town of Leicester and District of Spencer:
 - impowered relative to assessing certain inhabitants of the Gore, now in District of Charlton, ... 33
 - impowered relative to assessing certain inhabitants lately annexed to Worcester and District of Charlton, ... 233
- in town of Worcester and District of Charlton, directions to, ... 233
- in towns and districts to defer the valuation of estates, ... 57
- in Watertown, to produce the list of valuation of estates, ... 318

ATTORNEY.

- Woodbridge Brown, to Edmund Jackson, jr., 423
- John Curtis, to Martha Bowman and other Indians, ... 542
- Jonathan Grimes, to John Mansfield, ... 99
- Isaac Little, to Joseph Jenkins and Abigail Jenkins, ... 32
- Robert Manter, to Elizabeth West, ... 293
- Capt. William Pattin, to David Fulton, . . . 453
- power of, wages due seamen to be paid to persons holding, ... 469

ATTORNEY-GENERAL.

- to the King:
 - to prosecute for fraud:
 - Pearson Eaton, ... 25
 - Peter Febro, ... 192
 - Capt. John Smith, ... 24

B.**BAGGAGE.**

- belonging to forces under the Earl of Loudoun,
 - relative to the transportation of, ... 29
- of soldiers:
 - allowance for carting, ... 548
 - relative to transportation of, ... 553

BANKRUPTCY.

- actions pending in, to be continued, 543, 573, 621
- petitions of certain persons in, referred, 424, 425 *bis*, 437 *ter*, 449, 451, 456, 508, 509, 538

BARNSTABLE COUNTY.

- apportionment of French Neutrals in:
 - report of committee on, ... 553
- John Beaudrie, French Neutral, to be supported at the charge of, ... 736
- collector of excise for, chosen, . . . 324, 500, 705
- farmers of excise in:
 - committee to choose, ... 122, 253, 422, 688
 - Oris Bacon, appointment of, ... 408
 - Cornelius Crocker, appointment of, . . . 582

BARNSTABLE COUNTY — *continued.*farmers of excise in — *continued.*

Isaac Hinckley, appointment of, ...	210
Nathaniel Little, appointment of, ...	51
inferior court and court of general sessions in, adjournment of, ...	184, 353, 728
sheriffs of, allowance to, for the apprehension of deserters, ...	753
soldiers belonging in, returning home, subsist- ence money allowed to, ...	119, 342
superior court of judicature, etc., in, and in County of Dukes County, adjournment of, ...	174
treasurer of, account allowed	58, 243, 436, 627

BARNSTABLE, Town of.

Indians in, guardians of, re-elected, ...	241
---	-----

BARRACK UTENSILS.

expense of, to be paid from appropriation for forts and garrisons, ...	238
---	-----

BARRACKS.

at Castle Island or Governors Island: allowance to committee for building, ...	69
committee to provide materials, etc., for building, ...	67
at Castle William: fuel, etc., for men in, to be provided, ...	630
repairing, allowance for, ...	98

BATTERY.

in Provincetown, work suspended on, ...	11
---	----

BAYONETS.

etc., appropriation for: transfer from, to appropriation for payment of forces upon the late Alarm, ...	293
etc., not returned, certain amount to be stopped out of wages of soldiers for, ...	89, 247
for the militia, to be provided, ...	511

BEACON ISLAND.

light house on: allowance to keeper of, for services, etc., ...	94, 277, 440, 643
memorial, relative to the wharf at, ...	301
new wharf to be built at, ...	324

BEATING ORDERS.

officers having, additional allowance to, ...	574
officers having, to give bond to the Treasurer, ...	169

BEAVER.

re-imported from Great Britain, duty on, re- mitted, ...	20
---	----

BEDS.

bedding, etc., to be supplied family of a French Neutral, ...	245
to be sent to Provincial forces in Louisburg, or Nova Scotia, ...	428

BELLINGHAM, Town of.

certain French Neutrals to be transferred to, ...	157
---	-----

BEQUEST.

of the late Sir Peter Warren, relative to, ...	59
--	----

BERKLEY, Town of.

fine remitted to, ...	415
Indian lands in Freetown to be sold to re-im- burse, for support of Isaac Muet and wife (Indians), ...	85

BERWICK, Town of.

Second parish in, proceedings of parish meeting in, confirmed, ...	46
---	----

BILL.

leave to bring in, for providing a truck-trade with Indians, ...	691
leave to certain inhabitants of Wells to bring in a, ...	749

BILL — *continued.*

leave to inhabitants of New Marblehead to bring in a, ...	393
relative to the observation of the Lord's Day, to be printed and distributed, ...	700

BILLERICA, Town of.

French Neutrals in, to be removed, ...	429
--	-----

BILLETING.

allowance for, 171, 193, 198, 223, 250, 333, 382, 441, 447, 528, 551	
allowance to Edward Pierce for, ...	618
appropriation for: transfer from appropriation for Crown Point expedition to, ...	152
transfer from, to appropriation for the Pro- vince Ship, ...	395
rate per day allowed for, to soldiers on their return from the westward, ...	430
soldiers, accounts of keepers of taverns for, allowed, ...	137

BILLINGSGATE POINT.

right to Indians of Eastham and Harwich to carry on a whaling business on, ...	159, 276
---	----------

BILLS OF CREDIT.

on this Province, Province Treasurer directed to exchange, ...	76, 153, 165, 172
---	-------------------

BLANKETS.

for Canada expedition: Commissary General to procure, ...	165, 483
interest on sums due persons for, allowed, ...	187
lost, allowance for, ...	332
to be sent to Provincial forces in Louisburg, or Nova Scotia, ...	428

BLOCKHOUSES.

at Cushnoc (storehouse): bounty for soldiers enlisting at, allowed, 145, 263	
establishment for forces at, to be continued, ...	232
new establishment at, ...	673
pay and subsistence allowed soldiers at, 143, 211, 328, 512	
soldiers at, relative to wages of, ...	136
at West Hoosac: ammunition to be sent to, ...	60
inhabitants of township to serve as soldiers at, 143	
pay and subsistence allowed soldiers at, 48, 211, 328, 405	
provisions deposited at, Commissary General to contract for, ...	56

BOATS.

lying in Charlestown: committee to dispose of, ...	188
proceeds of sale of, to be paid to Jacques Morris, ...	245

BONDS.

chancering, of Duncan Campbell, ...	95
Seth Crane to give, with certain sureties, to review an action, ...	80
of delinquent farmers of excise to be put in suit, ...	190
Royal Tyler, executor, to give, to pay debts, etc., of William Tyler, ...	263

BOSTON HARBOR.

chart of, allowance to John Winthrop for making, ...	404
---	-----

BOSTON, Town of.

hospital in, messuage and land to be purchased for, ...	493
overseers of poor in: allowance to, for the relief of a captive, ...	66
to enlist John Kidney in the service, ...	316

BOSTON, Town of — continued.

Province tax in, directions to collectors of, . . .	519
selectmen and overseers of, allowance to, for sufferers from the fire, . . .	497
selectmen of:	
allowance to, to be applied to the abatement of taxes, . . .	602
allowed further time for drawing lotteries in, . . .	61
smallpox in, relative to the spreading of, . . .	681

BOUNDARY LINES.

between Dartmouth and Rochester, relative to settlement of, . . .	19
between First precinct in Cambridge and Charlestown established, . . .	756
between Natick and Needham, relative to, . . .	388, 431
between New Marblehead and towns of Falmouth and North Yarmouth, relative to, . . .	677
between the two parishes in Scarborough, established, . . .	276
between the two precincts of Rehoboth, established, . . .	248
of Eastham, relative to, . . .	276
of land annexed to District of Palmer, established, . . .	540
of land confirmed to John Farrar, established, . . .	374
of land deeded by Stockbridge Indians to Timothy Woodbridge, . . .	275
of land for hospital in Boston, established, . . .	493
of land of Preserved Clap, stated, . . .	302
of land sold by Sarah Lawrence (Indian), stated, . . .	663
of lots in Wells, relative to report of referees on, . . .	616, 663, 749
of ministerial lot in Deerfield, stated, . . .	472
of new precinct in Springfield, established, . . .	95
of parish erected in Newbury, established, . . .	748
of Second precinct in Dunstable, to be established, . . .	675

BOUNTY.

additional, allowed certain commissaries, . . .	350
allowed for Indian prisoners and scalps, . . .	13
allowed soldiers to be paid to administrator of George Hanners, . . .	762
allowed to Samuel Baty, jr., . . .	549
allowed to Elisha Putney, . . .	637
appropriation for:	
transfer from appropriation for Crown Point expedition to, . . .	152
transfer from, to appropriation for payment of forces on the Alarm, . . .	390
transfer from, to appropriation where there is no establishment, . . .	390
due David Palmer, allowed, . . .	323
for enlisting men, allowed, . . .	313, 383
for men enlisted at Rice's garrison at Charle- mont, allowed, . . .	98
for men enlisting in the service, . . .	721
for men of this Province in service at Louisburg and Nova Scotia re-enlisting, relative to, . . .	460
for soldiers enlisting:	
allowed to Jonathan Barney, jr., . . .	282
allowed to Benoni Graves, . . .	370
at Cushnoc, allowed, . . .	145, 263
at Fort Halifax, allowed, . . .	145, 263, 398, 432
at Louisburg and Nova Scotia, allowed, . . .	557

BOUNTY — continued.

for soldiers enlisting — continued.	
in Canada expedition, established, . . .	160, 161, 567
in public service, . . .	353
for soldiers stationed at Annapolis, allowed, 726 <i>ter</i> granted to Samuel Seward, . . .	538
money, bond to be given by officers receiving, . . .	169
to soldiers returned from service in Nova Scotia, . . .	661
treasury notes for payment of:	
date of issue of, fixed, . . .	495
to be endorsed, . . .	331, 483, 570

BOXFORD, Town of.

First parish in, inhabitants of, impowered to bring forward a writ of review, . . .	283
French Neutrals in, to be removed, . . .	117

BRAINTREE, Town of.

Germantown in, managers of lottery in, al- lowed use of Representatives' room, . . .	141
---	-----

BRIDGEWATER, Town of.

proceedings of town and precinct meetings in, confirmed, . . .	36
---	----

BRIMFIELD, Town of.

assessors of, impowered to assess the inhabit- ants of District of Monson, . . .	584
certain inhabitants and lands of, annexed to District of Palmer, . . .	540
officers of, validity of acts of, confirmed, . . .	570

BRISTOL COUNTY.

apportionment of French Neutrals in:	
report of committee on, . . .	553
collector of excise for, chosen, . . .	324, 500, 705
farmers of excise in:	
committee to choose, . . .	122, 230, 253, 422, 690
Capt. Thomas Cobb, appointment of, 9, 454 <i>bis</i>	
inferior court and court of general sessions in, adjournment of, . . .	149, 305, 377
justices of court of general sessions in, impow- ered to grant a license, . . .	21, 171, 568
justices of inferior court in, impowered to hear and try case, . . .	150
justices of superior court of judicature, etc., in, impowered to hear and determine action, . . .	390, 750
justices of superior court of judicature, etc., in, impowered to receive referees' report, etc., . . .	19
soldiers belonging in, returning home, subsis- tence money allowed, . . .	119, 342
superior court of judicature, etc., in, adjourn- ment of, . . .	396
treasurer of, account allowed, . . .	84, 256, 406, 628

**BROADEBAY (Waldoborough, Maine), Town-
ship of.**

inhabitants of, to be supplied with Indian corn, . . .	50
inhabitants serving at, subsistence allowed, . . .	18
pay and subsistence allowed men at, . . .	211, 328, 512

BROOKFIELD, Town of.

French Neutrals to be transferred to, . . .	196
Second precinct in, relative to tax in, . . .	537

BRUNSWICK, FORT.

pay and subsistence allowed men at, . . .	143, 211
to be dismantled, . . .	232

BURK'S GARRISON.

at Falltown, pay and subsistence allowed men at, . . .	143, 211, 232, 328, 522
---	-------------------------

BURTON'S GARRISON.

establishment for, to be continued, . . .	232
pay and subsistence allowed, men at, . . .	211, 328, 512

C.

CAGNAWAGA INDIANS.

allowance to Mary Sedauda, for clothing, . . . 157

CAMBRIDGE, Town of.

First precinct in, certain inhabitants of Charles-town, with their estates, annexed to, . . . 756

petition of certain inhabitants of, on South side of Charles River:

relative to a tax, ... 340

relative to the ministry, ... 340

report of committee on, ... 519

CANADA.

captives taken to, allowance to, 86, 259, 314, 315, 452, 492, 526, 539, 720, 738, 753

English prisoners in, account of supplies for, allowed, ... 418

CANADA EXPEDITIONS.

abatement of taxes on account of men hired in, in lieu of Quakers, relative to, . . . 521

additional wages allowed Brig.-Gen. Ruggles in, 351

allowance for gun lost in, to John Marsh, . . . 631

allowance for medical attendance upon a soldier returned from, ... 634

allowance on account of loss of time, wounds, etc., while in:

to administratrix of Zebadiah Keyes, . . . 403

to William Bacon, ... 683

to Micah Bowker, ... 406

to guardian of John Ball, ... 571

to Benjamin Matthews, ... 407

to Wilson Rawson, father of Caleb Rawson, . . . 407

to Ebenezer Rider, ... 572

to Isaac Torrey, ... 585

to Joseph Witherel, ... 367

to Nathaniel Whitmore, ... 658

to Thomas Wright for son Reuben Wright, . . . 701

allowance to William Peckham for wages and sickness expenses of his servant, a soldier in, ... 385

amount stopped out of wages of soldiers in, allowed:

to George Thayer, ... 673

articles to be provided for soldiers in, etc., relative to, ... 183

blankets for, relative to, ... 165, 187, 483

bounty allowed Jonathan Barney, jr., for enlisting in, ... 282

box of instruments to be delivered for the use of, 545

captains in, making up muster-rolls, wages and travelling expenses allowed, . . . 436, 639

carrier to be employed in, to ride between Boston and Albany, ... 598

certain amount to be paid to each soldier in, receiving the King's bounty of 4^d, . . . 534

clothing for soldiers in, to be provided, . . . 335

colonels in, additional wages allowed to, . . . 194

committee on, report of, ... 160, 307

courier for, to be appointed, ... 198

deserters from, compensation allowed for the return of, ... 282, 551

encouragement for soldiers for, relative to, . . . 312

enlisting soldiers for, time extended for, 357, 489, 515, 544, 567

medicines, etc., for regiments in, relative to, 196, 335 *bis*

minors and servants enlisting in, relative to wages of, ... 324

CANADA EXPEDITIONS — continued.

non-commissioned officers and soldiers to be employed in, subsistence money allowed to, ... 317

officers in:

pay of, established, ... 327

receiving bounty money to give bond, . . . 169

relative to making up muster-rolls for, . . . 236, 251

relative to paying seamen, etc., in the late, 443, 569

relative to raising men for, . . . 153, 154, 176, 196, 348

soldiers enlisting in:

additional bounty allowed to, ... 161

rate allowed per day, for subsistence to, . . . 168

treasury notes for payment of bounty of, to be endorsed, ... 331, 483, 570

surgeons to each regiment in, allowed an additional mate, ... 335

surgeons in, to account with Commissary General relative to medicines, etc., . . . 344

transportation of troops for, report of committee on, ... 199

wages due soldiers in, allowed, 345, 355, 373, 384, 419, 550

wages due supernumeraries in, allowed, . . . 321

Artemas Ward in, allowed wages as lieutenant-colonel, ... 635

CANNON.

at Fort Frederick, Pemaquid:

men to be posted to take care of, ... 405, 513

CAPE BRETON EXPEDITION.

allowance on account of loss of time, wounds, etc., while in:

to Daniel Poor, ... 351

Sir William Pepperell, Lieut.-General in:

allowance to, for expenses, ... 119

allowance to, for services, ... 119

CAPTIVES.

allowance for redemption of, . . . 115, 125, 189, 267

allowance to, 59, 66, 86, 224, 254, 259, 262, 280, 314,

315 *ter*, 358, 359, 435, 438, 440, 444, 452,

457, 462, 467, 470 *bis*, 485, 492, 506, 509,

526, 539, 548, 581, 629 *bis*, 636, 650, 651,

665, 666, 672, 673, 679 *bis*, 680, 697, 698,

714, 717 *bis*, 720, 737, 738, 753 *bis*

allowance to, for gun, ... 261

soldiers taken, relative to wages of, . . . 191

CARTOUCH BOXES.

not returned, certain amount to be stopped out of wages of soldiers for, ... 89

CASTLE ISLAND.

barracks at, or Governor's Island:

allowance to committee for building, . . . 69

committee to provide materials, etc., for the building of, ... 67

CASTLE WILLIAM.

chaplain at, allowance to, . . . 126, 277, 476, 525, 653

establishment of wages of men at, . . . 39, 78

fire-engine to be provided for, ... 541

fuel, etc., for men in barracks at, to be provided, 630

garrison at, relative to augmentation of, . . . 319

lieutenant at, allowance to, 126, 266, 476, 586, 652

ordnance and stores for, relative to, . . . 611

spirituous liquors used at, no excise to be paid on, ... 758

CATTLE.

stores, etc., relative to the transportation of, . . . 408

CERTIFICATE.

to exempt soldiers from poll-tax, relative to, . 37

CHANCER.

to, bond of Duncan Campbell, ... 95

CHAPLAIN.

at Castle William, allowance to, 126, 277, 476, 525, 653

of the Board, allowance to, ... 127

of the General Assembly, allowance to, . 476, 652

of the House of Representatives, allowance to, 127, 266

CHAPPAQUIDDICK INDIANS.

petition of, relative to their rights, etc., appointment of committee on, ... 706

CHARLEMONT, Township of.

Hawk's garrison at, relative to, 48, 143, 211, 232, 522

Rice's garrison at, relative to, 48, 98, 211, 232, 522

Taylor's garrison at, relative to, 48, 143, 211, 232, 522

CHARLESTOWN, Town of.

certain inhabitants of, with their estates, annexed to First precinct in Cambridge, 519, 756

CHARLTON, District of.

assessors in, and town of Worcester, directions to, ... 233

inhabitants of the Gore annexed to, . . . 15

taxes in, assessment of, ... 551

CHART.

of Boston Harbor, allowance for making, . 404

CIDER.

spirits distilled from, duties of excise to be paid on, ... 667

CLAIMS.

of creditors, relative to, 38, 47, 114, 207, 209, 482, 669

CLOTHING.

allowance for delivering out provisions and, to soldiers, ... 90

allowance to Mary Sedauda, an Indian, for, . 157

etc., supplied certain soldiers, allowance to executrix of Capt. Peter West for, . . 293

for men to be raised, Commissary General to provide, ... 721

for soldiers in Canada expedition, Commissary General to provide, ... 335

COLLECTORS OF EXCISE.

for all the counties, chosen, . . . 324, 500, 705

for Essex County:

rate allowed to, for collecting, . . . 578

for Hampshire County:

directed not to prosecute Jonathan White, . 667

for Middlesex County:

one per cent additional, allowed, . . . 676

for Plymouth County:

one per cent additional allowed, . . . 675

for Suffolk County:

one per cent additional allowed, . . . 359

not to collect excise on spirituous liquors used

at Castle William, ... 758

to withdraw his prosecution against Gideon

Gardner, ... 330

for York County:

additional allowance to, ... 458

impowered to collect the excise, . . . 663

to discharge Matthew Patten of the amount

for duties and excise, ... 627

not to prosecute certain persons for illegally

selling rum, ... 371, 372 *ter*, 387

petition of, relative to the sale of spirituous

liquor without license, ... 301

COLLECTORS OF TAXES.

in Boston, directions to, ... 519

in District of Charlton, to be chosen, . . 551

in District of Harpswell, impowered to collect, 635

in District of South Hadley, to be chosen, . 156

in Harwich, South precinct, to be chosen, . 87

in Holden:

directions to, ... 344

impowered to collect tax, ... 158

in Lunenburg, to be appointed, ... 320

Province Treasurer not to issue warrants against, for non-payment of tax on vessels, ... 699

COLLEGE, HARVARD.

president of, allowance to, . . . 129, 264, 473, 736

professor of divinity at, allowance to, 129, 264, 475, 735

professor of Hebrew at, allowance to, 128, 294, 475

professor of mathematics at, allowance to, 128, 265, 475, 735

COLRAIN, Township of.

garrison at, relative to, . . . 143, 211, 232, 328, 522

Morrison's garrison at, relative to, . . . 232

pay and subsistence allowed men at, 143, 211, 328

COMMISSARIES.

additional allowance to, to be employed:

at Louisburg, ... 350

in forces going westward, ... 350

Charles Cushing, deputy commissary:

allowance to, for the troops who built fort at

Penobscot, ... 490

Commissary Hall:

to be furnished with molasses, ... 29

in Canada expedition:

government stores only to be supplied by, . 349

in Crown Point expedition:

Isaac Gridley, jr., allowance to, . . . 510

Samuel Gridley, allowance to, for money advanced, ... 756

Commissary Leissner:

to deliver provisions, etc., for one year, to

Katharine Losh, ... 40

of hospital stores, allowance to, for care of, . 746

COMMISSARY GENERAL.

Thomas Hubbard:

accounts of disbursements of, report of committee on, ... 595

allowance to, for services, . . . 475, 525, 651, 696

allowance to, to purchase arms, ... 356

amount allowed, to supply necessaries for the

forces, ... 303

directions to, relative to the pay of seamen

under command of Admiral Saunders, . 431

disbursements of, appropriation for:

transfer from appropriation for the invasion

(1759) to, ... 438

specie accounts of, report of committee on, . 595

surgeons in Canada expedition to account

with, relative to medicines, etc., . . . 344

to be accountable for provisions, etc., received, ... 329

to deliver a box of instruments for the Canada

expedition, ... 545

to employ some person to build a hospital, . 394

to furnish medicine chests for each regiment

in Canada expedition, ... 335, 524

to furnish medicine chests for the forces to be

raised, ... 730

to pay bounty to soldiers returned from service in Nova Scotia, ... 661

COMMISSARY GENERAL — continued.**Thomas Hubbard — continued.**

to pay certain amounts for service at Halifax,	733
to pay £5 to each soldier returned from Louis- burg and Nova Scotia,	691
to provide clothing for men to be raised,	721
to provide clothing for soldiers in Canada ex- pedition,	335
to provide for sick soldiers from Louisburg,	662
to provide for soldiers on their return from the Eastward,	404
to provide for the table of the Governor on his voyage to the Eastward,	330
to provide fuel, etc., for men in barracks at Castle William,	630
to provide hospital stores,	333
to provide knapsacks for non-commissioned officers and soldiers,	313
to purchase blankets, etc., for the Canada ex- pedition,	483
to purchase stores for the army,	354
to sell Province stores at Albany,	591
to sell snow-shoes and moccasins,	680
to send beds and blankets to the Provincial forces at Louisburg or Nova Scotia,	428
to take advice, relative to medicines for the forces in Canada expedition,	335

John Wheelwright:

account of, of Indian trade:	
allowed,	442
report of committee on,	377, 378
accounts of disbursements of:	
allowed,	441
report of committee on,	378, 379, 380 <i>bis</i>
allowance to, for defraying the charge of a train of artillery,	181
allowance to, for services,	127, 280
blankets purchased by, for Canada expedition, relative to,	187
disbursements of, appropriation for:	
transfer from, to appropriation for forts and garrisons,	152
Joseph Prout employed by, allowance to,	90
specie accounts of:	
allowed,	442
report of committee on,	378, 379 <i>bis</i>
to contract for provisions deposited at block- house at West Hoosac,	56
to deliver gun belonging to Solomon French to his administrator,	18
to dispose of Province stores,	197
to furnish soldiers from Fort William Henry with provisions,	51
to furnish two whale-boats for St. Georges,	22
to procure blankets for Canada expedition,	165
to provide materials, etc., for building the bar- racks at Castle Island or Governor's Island,	67
to send ammunition to blockhouse at West Hoosac,	60
to send Indian corn for inhabitants of Broad- bay,	50

COMMISSIONERS.

from other New England governments to meet commissioners from this government:	
appointment of, desired,	104
report of committee on instructions to,	140
of Bankruptcy:	
authorized to receive the surrender of Edmund Quincy, jr.,	212

COMMISSIONERS — continued.

of impost:	
instructions to, relative to duty on beaver,	20
relative to the receiving of bonds by,	12
of £100,000 loan:	
relative to land of Isaac Winslow, mortgaged to,	17
memorial of Thomas Hutchinson in regard to lands mortgaged to:	
appointment of committee on,	7
report of committee on,	32
to examine claims against an insolvent estate,	669

COMMITTEE.

of District of Palmer:	
impowered to execute deed of conveyance,	258
on affairs at Payquage, report of,	108, 351
on boundary between Natick and Needham, relative to,	388, 431
on building barracks at Castle Island or Gov- ernors Island:	
allowance to,	69
appointment of,	67
on Canada expedition, report of,	160, 183, 307
on claims of sutlers, report of,	724
on complaints of French Neutrals of sundry towns, report of,	125
on complaints of Indians of Eastham:	
appointment of,	159
report of,	276
on complaints of Joseph Pagan and others, against their trustees, appointment of,	221
on farming excise:	
appointment of, 120 <i>bis</i> , 121 <i>quater</i> , 122 <i>quater</i> , 123, 252 <i>quater</i> , 253 <i>quater</i> , 254 <i>ter</i> , 420, 421 <i>quater</i> , 422 <i>quater</i> , 423 <i>bis</i> , 687 <i>bis</i> , 688 <i>quater</i> , 689 <i>quater</i> , 690 <i>ter</i>	334, 395
report of, 8, 9 <i>ter</i> , 49, 51, 53, 148, 169, 170, 197, 210 <i>bis</i> , 230, 233, 251, 279, 397, 408, 419, 453 <i>bis</i> , 454 <i>bis</i> , 582, 716, 734, 760	247
on firearms, relative to,	25, 225
on frauds against the government, appoint- ment of,	460
on matters relative to the forces of this Province in service at Louisburg and Nova Scotia, report of,	7
on memorial of Thomas Hutchinson relative to mortgaged lands:	32
appointment of,	
report of,	
on petition:	
of agent for District of New Salem to assess a tax, report of,	487
of Japhet Bicknall for a new trial of an action, report of,	750
of James Brown, report of,	391
of Benjamin Carary relative to the wages of his son (a soldier), appointment of,	602
of certain Indians (soldiers), relative to their wages, appointment of,	600
of certain inhabitants of Cambridge on South side, report of,	519, 756
of certain inhabitants of Newbury to be erected into a parish, report of,	748
of Chappaquiddick Indians relative to their rights, etc., appointment of,	706
of Dunstable, report of,	675
of grantees of New Marblehead relative to boundary, appointment of,	677

COMMITTEE — *continued.*on petition — *continued.*

of inhabitants of District of South Hadley in regard to a meeting-house:	
appointment of, ...	541
report of, ...	694
of inhabitants of the Gore to be annexed to District of Charlton, report of, ...	15
of inhabitants of Wells, report of, ...	663
of Leonard Jarvis, relative to procuring transport vessels, report of, ...	408
of proprietors of farms between Lancaster and Narragansett Township Number Two, report of, ...	381
of proprietors of Rumford, relative to possession of their lands, report of, ...	639
of Leah Rice relative to wages due her husband, report of, ...	318
of selectmen of Boston, relative to women and children brought from Providence, report of, ...	295
of Jonathan Stone and others to be annexed to Worcester:	
appointment of, ...	93
report of, ...	208
report of, of agent of Rochester for referees to rectify their report, ...	19
on Province Snow, Prince of Wales:	
report of, ...	238
to pay proceeds of sale of, into the treasury, ...	241
on reception of Governor Bernard, report of, ...	522
on reception of Gov. Pownall, report of, ...	40
on repairs:	
at light house:	
report of, relative to the wharf, ...	324
to estimate charges of building or repairing, the wharves, ...	301
at Province House, appointment of, ...	63
on stable belonging to the Province House, appointment of, ...	619
on reprinting the perpetual laws of the Province, appointment of, ...	299
on sale of Indian lands in Freetown, appointment of, ...	85
on sale of two townships in Hampshire County:	
proceedings of, to be stayed, ...	553
on sick and wounded soldiers, report of, ...	585, 588
on transportation of troops, etc., report of, ...	199
relative to building a fort at Penobscot River, report of, ...	296, 381
relative to moving the meeting-house in Natick, appointment of, ...	725
relative to persons in distress on one of the Seal Islands, ...	278
report of, relative to prisoners from Newfoundland, ...	245
report of, relative to taxes in District of Westminster, ...	483
report of, relative to the Province part of seizures, ...	667
to appoint or remove persons in the linen manufactory house, appointment of, ...	429
to apportion the French Neutrals:	
in Barnstable County:	
report of, relative to John Beaudrie, ...	736
in Essex County:	
report of, ...	737
in Middlesex County:	
report of, ...	766
in Suffolk County:	
account of, allowed, ...	698

COMMITTEE — *continued.*to apportion the French Neutrals — *continued.*

in Worcester County:	
account of, allowed, ...	697
appointment of, ...	574
impowered to reapportion the same, ...	760
in the counties, etc.:	
appointment of, ...	547
report of, ...	553
to be appointed, ...	530
to approve accounts of captains and sutlers:	
addition to, ...	703
appointment of, ...	639
to assist the Province Treasurer in borrowing money, appointment of, ...	226
to bring in a bill providing for a truck-trade with the Indians, appointment of, ...	691
to burn government securities:	
appointment of, ...	37, 227, 387
report of, ...	44, 147, 229, 242, 401, 623, 624
to dispose of boats, lying in Charlestown, appointment of, ...	188
to be appointed to divide an estate, ...	481
to eject trespassers on Province lands in Hampshire County, appointment of, ...	392
to examine accounts of Commissary General, report of, ...	377, 378 <i>ter</i> , 379 <i>ter</i> , 380 <i>ter</i> , 595 <i>bis</i>
to examine accounts of the Province Treasurer, report of, ...	105, 106, 607, 609
to inquire into conduct of Dr. William P. Perkins relative to the smallpox, appointment of, ...	681
to inquire relative to lands belonging to Richard Gundaway, appointment of, ...	505
to judge of the security of the bond for Province Treasurer, appointment of, ...	255, 470, 662
to prepare a form of a power of attorney for seamen on His Majesty's ships in the St. Laurence River, report of, ...	455
to prepare instructions to Agent Bollan relative to the Parliamentary Grant:	
appointment of, ...	263
report of, ...	268
to prepare instructions to commissioners appointed to meet commissioners from other governments, report of, ...	140
to project a plan for the relief and subsistence of sick soldiers, on their return home, report of, ...	231
to provide medicine chests for Canada expedition, report of, ...	196
to provide medicine for the army, appointment of, ...	303
to provide passage to Halifax for women and children brought from Providence, appointment of, ...	297
to send away women and children lately arrived from Nova Scotia, appointment of, ...	236
to take an account of Province notes redeemed, and burn, appointment of, ...	579
to take further action on the Governor's message relative to the memorial of Robert Hewes, appointment of, ...	234
to view the second parish in Newbury, appointment of, ...	220

COMMITTEE OF WAR.

appropriation for:

transfer from appropriation where there is no establishment to, ...	38
---	----

COMMITTEE OF WAR — continued.

directions to, in regard to remittance for transportation of baggage of the Provincial forces, ...	29
for Crown Point expedition, allowance to, ...	123
Province Treasurer to indorse certain bills to the chairman of, ...	53

COMMON LANDS.

in Hatfield, sale of rights in, relative to, ...	367
in Holden, vote relative to tax on, ratified, ...	344

COMPLAINTS.

allowance to witnesses on:	
against Col. Thomas Gilbert, ...	480
against Capt. John Smith, ...	260
against Zedekiah Stone, ...	261
Arthur Noble allowed to enter, ...	742
of French Neutrals, report of committee on, ...	125
of Indians of Eastham, relative to, ...	159, 276
of Joseph Pagan and others, Indians, against their guardians, committee on, ...	221
John Phillips impowered to file, ...	615

CONNECTICUT SOLDIERS.

billeting, allowance for, ...	198
-------------------------------------	-----

CONSTABLES.

in Lexington, to be chosen to collect taxes, ...	190
in Second precinct in Brookfield, impowered to collect the tax, ...	537
in Upton, choice of, confirmed, ...	686
in Uxbridge, impowered to collect sums assessed on the Quakers, ...	670, 676
or collectors, directions to, relative to tax on Quakers, ...	491

CORN.

Indian, to be ground for the Indians toll free, ...	507
to be supplied inhabitants of Broadbay, ...	50

COUNCILLORS.

list of, ...	3, 203, 363, 561
--------------------	------------------

COUNTIES.**Barnstable:**

apportionment of French Neutrals in, report of committee on, ...	553
John Beaudrie, French Neutral, to be supported at the charge of, ...	736
collector of excise for, chosen, ...	324, 500, 705
farmers of excise in:	
committee to choose, ...	122, 253, 422, 688
Oris Bacon, appointment of, ...	408
Cornelius Crocker, appointment of, ...	582
Isaac Hinckley, appointment of, ...	210
Nathaniel Little, appointment of, ...	51
inferior court and court of general sessions in, adjournment of, ...	184, 353, 728
sheriffs of, allowance to, for the apprehension of deserters, ...	753
soldiers belonging in, returning home, subsistence money allowed, ...	119, 342
superior court of judicature, etc., in, and in County of Duke's County, adjournment of, ...	174
treasurer of, account allowed, ...	58, 243, 436, 627

Bristol:

apportionment of French Neutrals in, report of committee on, ...	553
collector of excise for, chosen, ...	324, 500, 705
farmers of excise in:	
committee to choose, ...	122, 230, 253, 422, 690
Capt. Thomas Cobb, appointment of, ...	9, 454 bis
inferior court and court of general sessions in, adjournment of, ...	149, 305, 377

COUNTIES — continued.**Bristol — continued.**

justices of court of general sessions in, impowered to grant a license, ...	21, 171, 568
justices of inferior court in, impowered to hear and try case, ...	150
justices of superior court of judicature, etc., in, impowered to hear and determine action, ...	390, 750
justices of superior court of judicature, etc., in, impowered to receive referees' report, etc., ...	19
soldiers belonging in, returning home, subsistence money allowed, ...	119, 342
superior court of judicature, etc., in, adjournment of, ...	396
treasurer of, account allowed, ...	84, 256, 406, 628

Cumberland:

collector of excise for, chosen, ...	705
farmers of excise in:	
committee to choose, ...	690

Dukes County:

apportionment of French Neutrals in:	
report of committee on, ...	553
collector of excise for, chosen, ...	324, 500, 705
farmers of excise in:	
committee to choose, ...	122, 254, 423, 689
Capt. Samuel Cobb, appointment of, ...	53, 279
treasurer of, account allowed, ...	399

Essex:

apportionment of French Neutrals in, report of committee on, ...	553, 737
collector of excise for:	
chosen, ...	324, 500, 705
rate allowed for collecting, ...	578
farmers of excise in:	
committee to choose, ...	120, 252, 421, 688
Jacob Ashton, appointment of, ...	49, 197, 453, 734
judge of probate for, impowered to appoint a committee to divide an estate, ...	481
judge of probate for, impowered to appoint persons to appraise estates, ...	546
justices of court of general sessions in impowered to grant a license, ...	159, 409, 433, 451, 622
soldiers belonging in, returning home, subsistence money allowed, ...	119, 342
superior court of judicature, etc., in, adjournment of, ...	568, 407
treasurer of:	
account allowed, ...	376 bis, 601
appointment of, ...	614

Hampshire:

apportionment of French Neutrals in, report of committee on, ...	553
collector of excise for, chosen, ...	324, 500, 705
court of general sessions in, impowered to grant a jury, ...	472, 473
farmers of excise in:	
committee to choose, ...	121, 252, 421, 688
inferior court and court of general sessions in, adjournment of, ...	693
justices of court of general sessions in, impowered to grant a license, ...	326, 341, 444, 451, 672, 721, 727
justices of court of general sessions in, impowered to hear and determine case, ...	388
Province lands in, relative to, ...	392
relative to sale of two townships in, ...	553
soldiers belonging in, returning home, subsistence money allowed, ...	119, 342

COUNTIES — *continued.***Hampshire** — *continued.*

unappropriated lands in:
 granted and confirmed to Joseph Barker, 188,
 347
 grant of, to Asa Hill, ... 249

Lincoln:

collector of excise for, chosen, ... 705
 farmers of excise in:
 committee to choose, ... 689

Middlesex:

apportionment of French Neutrals in:
 account of expenses of committee on, al-
 lowed, ... 766
 report of committee on, ... 553
 collector of excise for:
 chosen, ... 324, 500, 705
 one per cent additional, allowed, ... 676
 farmers of excise in:
 committee to choose, ... 121, 252, 421, 690
 John White, appointment of, ... 251
 inferior court and court of general sessions in,
 adjournment of, ... 150
 justices of court of general sessions in, im-
 powered to grant a license, 82, 93, 148, 149,
 175, 185, 251, 255, 262, 302, 303, 310, 359,
 403, 711
 justices of inferior court in, impowered to hear
 and try action, ... 99
 soldiers belonging in, returning home, sub-
 sistence money allowed, ... 119, 342
 treasurer of, account allowed, 14, 235, 376, 744

Nantucket:

apportionment of French Neutrals in, report
 of committee on, ... 553
 collector of excise for, chosen, ... 324, 500, 705
 farmers of excise in:
 committee to choose, ... 123, 254, 423, 689
 Thomas Arthur, appointment of, ... 233

Plymouth:

apportionment of French Neutrals in, report
 of committee on, ... 553
 collector of excise for:
 chosen, ... 324, 500, 705
 one per cent additional allowed, ... 675
 farmers of excise in:
 committee to choose, ... 121, 253, 422, 687
 William Rand, appointment of, ... 716
 John Russell, appointment of, ... 148
 James Warren, jr., appointment of, ... 9
 Edward Winslow, appointment of, ... 419

guardians of Indians in:

directions to, relative to proceeds from sale
 of land belonging to Thomas and Israel
 Felix, ... 532
 impowered relative to appropriating the
 proceeds from sale of land belonging to
 Patience Thomas, and others, ... 70
 inferior court and court of general sessions in,
 adjournment of, 146, 192, 500, 574, 622, 712,
 738
 judge of probate for, impowered to grant
 further time to creditors for entering
 claims against an insolvent estate, ... 482
 justices of court of general sessions in, im-
 powered to grant a license, ... 174, 187, 701
 register of deeds for, to discharge mortgage
 on farm of Isaac Winslow, ... 17
 soldiers belonging in, returning home, sub-
 sistence money allowed, ... 119, 342

COUNTIES — *continued.***Plymouth** — *continued.*

superior court of judicature, etc., in, adjourn-
 ment of, ... 174, 718
 treasurer of, account allowed, ... 72, 236, 397, 572

Suffolk:

apportionment of French Neutrals in:
 account of expenses of committee on, al-
 lowed, ... 698
 report of committee on, ... 553
 collector of excise for:
 allowed one per cent additional, ... 359
 chosen, ... 324, 500, 705
 not to collect excise on spirituous liquors
 used at Castle William, ... 758
 to withdraw his prosecution against Gideon
 Gardner, ... 330
 farmers of excise in:
 committee to choose, ... 120, 252, 420, 687
 William Story, appointment of, ... 169, 760
 judge of probate for, authorized relative to
 the division of an estate, ... 298
 judge of probate for, impowered to settle
 estate upon Ebenezer Bird, ... 714
 judge of probate for, impowered to take bond
 of Royal Tyler, executor, ... 268
 justices of court of general sessions in, im-
 powered to grant a license, 97, 112, 175, 176,
 194, 239 *bis*, 240 *bis*, 272 *bis*, 273, 295, 340,
 528, 693, 763
 justices of superior court in, impowered to
 hear and try an action, 95, 182, 453, 642
 soldiers belonging in, returning home, sub-
 sistence money allowed, ... 119, 342

treasurer of:

account allowed, ... 64, 229, 406
 Joshua Henshaw impowered to act as, ... 104

Worcester:

apportionment of French Neutrals in:
 account of expenses of committee on, al-
 lowed, ... 697
 appointment of committee on, ... 574
 committee on, to reapportion same, ... 760
 report of committee on, ... 553
 collector of excise for, chosen, ... 324, 500, 705
 farmers of excise in:
 committee to choose, ... 121, 253, 421, 688
 Paul Crocker, appointment of, ... 210
 Capt. Edward Harrington, appointment of, ... 8
 inferior court and court of general sessions in,
 adjournment of, ... 260, 461, 686
 judge of probate for, impowered to allow more
 time for entering claims against an in-
 solvent estate, ... 207
 justices of court of general sessions in, im-
 powered to grant a license, 194, 274, 441,
 529, 717, 747, 752, 761
 justices of inferior court in, impowered in re-
 gard to entering actions, ... 48
 justices of inferior court in, impowered to try
 an action, ... 283
 soldiers belonging in, returning home, sub-
 sistence money allowed, ... 119, 342
 treasurer of, account allowed, ... 10, 224, 371, 573

York:

apportionment of French Neutrals in, report
 of committee on, ... 553
 collectors of excise for:
 additional allowance to, ... 458
 chosen, ... 324, 500, 705

COUNTIES — *continued.***York** — *continued.*

- collectors of excise for — *continued.*
 - impowered to collect the excise, . . . 663
 - to discharge Matthew Patten of the amount for duties and excise, . . . 627
- farmers of excise in:
 - committee to choose, . . . 122, 254, 422, 689
 - Capt. Ichabod Goodwin, appointment of, . . . 9
 - James Sayward, appointment of, 170, 397, 453
- grant of unappropriated lands in, to Ebenezer Nichols, . . . 160
- inferior court and court of general sessions in, adjournment of, . . . 100, 706
- judge of probate for, impowered to allow more time to commissioners receiving claims against an estate, . . . 209
- justices of court of general sessions in, directed to provide for two children of John Clark, . . . 162
- justices of court of general sessions in, impowered to grant a license, . . . 111
- justices of superior court in, impowered to admit administrators of estate of Brig. Samuel Waldo, in certain law suits, . . . 505
- justices of superior court in, impowered to hear and try action, . . . 455
- soldiers belonging in, returning home, subsistence money allowed, . . . 119, 342
- superior court of judicature in, adjourned, . . . 568
- treasurer of, account allowed, . . . 57, 224, 398, 616
- French Neutrals in the several, relative to the appointment of, . . . 530, 553
- committee on farming excise in, directions to, 334, 395

COUNTY TREASURERS.

- Barnstable, accounts allowed, . . . 58, 243, 436, 627
- Bristol, accounts allowed, . . . 84, 256, 406, 628
- County of Dukes County, account allowed, . . . 399
- Essex:
 - accounts allowed, . . . 376 *bis*, 601
 - appointment of, . . . 614
- Middlesex, accounts allowed, . . . 14, 235, 376, 744
- Plymouth, accounts allowed, . . . 72, 236, 397, 572
- Suffolk:
 - accounts allowed, . . . 64, 229, 406
 - Joshua Henshaw impowered to act as, . . . 104
- Worcester, accounts allowed, . . . 10, 224, 371, 573
- York, accounts allowed, . . . 57, 224, 398, 616

COURIER.

- to be employed in Canada expedition, . . . 198

COURTS.

- executive, to continue all actions pending in bankruptcy, etc., . . . 543, 573, 621
- in Barnstable County:
 - inferior court and court of general sessions, adjournment of, . . . 184, 353, 728
 - and County of Dukes County, superior court of judicature, etc., adjournment of, . . . 174
- in Bristol County:
 - inferior court and court of general sessions, adjournment of, . . . 149, 305, 377
 - justices of court of general sessions, impowered to grant a license, . . . 21, 171, 568
 - justices of inferior court, impowered to hear and try case, . . . 150
 - justices of superior court of judicature, etc., impowered to hear and determine action, . . . 390, 750

COURTS — *continued.***in Bristol County** — *continued.*

- justices of superior court of judicature, etc., impowered to receive referees' report, etc., . . . 19
- superior court of judicature, etc., adjournment of, . . . 396

in Essex County:

- justices of court of general sessions, impowered to grant a license, 159, 409, 433, 451, 622
- superior court of judicature, etc., adjournment of, . . . 407, 568

in Hampshire County:

- court of general sessions, impowered to grant a jury, . . . 472, 473
- inferior court and court of general sessions, adjournment of, . . . 693
- justices of court of general sessions, impowered to grant a license, 326, 341, 444, 451, 672, 721, 727
- justices of court of general sessions, impowered to hear and determine case, . . . 388

in Middlesex County:

- inferior court and court of general sessions, adjournment of, . . . 150
- justices of court of general sessions, impowered to grant a license, 82, 93, 148, 149, 175, 185, 251, 255, 262, 302, 303, 310, 359, 403, 711
- justices of inferior court, impowered to hear and try action, . . . 99

in Plymouth County:

- inferior court and court of general sessions, adjournment of, 146, 192, 500, 574, 622, 712, 738
- justices of court of general sessions, impowered to grant a license, . . . 174, 187, 701
- superior court of judicature, etc., adjournment of, . . . 174, 718

in Suffolk County:

- justices of court of general sessions, impowered to grant a license, 97, 112, 175, 176, 194, 239 *bis*, 240 *bis*, 272 *bis*
- justices of court of general sessions, impowered to grant a license, 273, 295, 340, 528, 693, 763
- justices of superior court, impowered to hear and try an action, . . . 95, 182, 453, 642

in Worcester County:

- inferior court and court of general sessions, adjournment of, . . . 260, 461, 686
- justices of court of general sessions, impowered to grant a license, 194, 274, 441, 529, 717, 747, 752, 761
- justices of inferior court, impowered in regard to entering actions, . . . 48
- justices of inferior court, impowered to try an action, . . . 283

in York County:

- inferior court and court of general sessions, adjournment of, . . . 100, 706
- justices of court of general sessions, directed to provide for two children of John Clark, . . . 162
- justices of court of general sessions, impowered to grant a license, . . . 111
- justices of superior court, impowered to admit administrators of estate of Brig. Samuel Waldo, in certain law suits, . . . 505

COURTS — continued.in York County — *continued.*

justices of superior court, impowered to hear and try an action, ...	455
superior court of judicature, etc., adjournment of, ...	568
justices of superior court of judicature, etc., allowance to, ...	129, 263, 474, 735
of Vice-Admiralty, decree of, relative to the Province part of seizures, ...	667, 743

CREDITORS.

of estates:

of Joseph Bridgham of Plympton, ...	669
of Jabez Fox, ...	209
of Andrew Harper of Harvard, ...	207
of William Johnson of Worcester, ...	151
of Dudson Kilcup of Boston, ...	38
of Samuel Mitchell of Kittery, ...	47
of Col. Thomas Westbrook, ...	114

CROWN POINT.

allowance to Isaac Ward for expenses of his son, a soldier, sick at, ...	746
--	-----

CROWN POINT EXPEDITION.

allowance for gun lost in:

to administrator of Seth Witherell, ...	589
to Jonathan Barnard, ...	120
to Benjamin Lyman, jr., ...	29
to John Patten, ...	214
to Elizabeth Pritchett, ...	274
to Christian Vanhorn, ...	161

allowance on account of loss of time, wounds, etc., while in:

to administrator of Daniel Stearns, ...	269
to John Con, ...	697
to Amos Howard, ...	247
to Abraham Johnson, ...	118
to Daniel Merritt, ...	41
to Benjamin Nourse, ...	199
to Josiah Parker, ...	55
to Samuel Pearce, ...	280
to James Poole, ...	41
to Nathaniel Richardson, ...	113
to Obadiah Sampson, father of Samuel Sampson, ...	99
to John Savage, ...	147
to Nathan Thompson, ...	35
to Caleb Wood, ...	124

allowance to Amos Allen for sickness expenses, etc., of Amos Allen, a soldier in, ...

allowance to Timothy Burbank for billeting men for, ...

allowance to John Crooks for sickness expenses of his brother, a soldier in, ...

allowance to Moses Deshon, a soldier in, for services and travelling expenses, ...

allowance to Margaret Forbush for services of her husband, a soldier in, ...

allowance to Hannah Johnson for sickness expenses and wages due her husband, a soldier in, ...

allowance to Jonathan Jordan for expenses on account of his son, a soldier in, ...

allowance to Eli Phinney for disbursements on account of two sick soldiers in, ...

allowance to Joseph Porter for sickness expenses of his servant, a soldier in, ...

allowance to sick and wounded soldiers in, 32, 36, 40, 60, 68, 167

allowance to soldiers in, furnishing their guns, 16, 18, 34, 62, 63 *bis*, 92, 102, 113, 137, 182**CROWN POINT EXPEDITION — continued.**

allowance to the following soldiers in, for attendance upon the sick:

Reuben Asten, ...	103
Samuel Harris, ...	227
Thomas Hobbs, ...	62
Eliab White, ...	101
Benjamin Woodman, ...	103

allowance to William White for sickness expenses, also wages due, while in, ...

amount stopped out of wages of soldiers in, allowed:

to Joseph Bailey, ...	92
to John Briggs, ...	685
to Ephraim Brown for his apprentice, ...	629
to Joseph Chamberlain, ...	58
to Ezekiel Cheever, ...	137
to Nathaniel Davidson for servant, ...	138
to Ichabod Druce, ...	282
to Angus Fletcher, ...	35
to Peter Fletcher, ...	92
to Jonathan Foster, ...	30
to Hulda Halloway mother of Calvin Halloway, ...	35

to Sylvanus Hemenway for his apprentice, James Gallot, ...

to Jonathan Hill for servant, ...

to Micah Hoskins, ...

to John Huston, ...

to Francis Keen, ...

to Lawrence Lynch, ...

to Noah McIntyre, ...

to John Martin, ...

to Silas Matthews, ...

to Ebenezer Nercott, ...

to Ward Noyes, ...

to Josiah Osgood for son, ...

to Timothy Page, ...

to Mercy Pixley widow of John Pixley, ...

to Lydia Ramsdell widow of Ephraim Ramsdell, ...

to Charles Rice, ...

to Samuel Smith, ...

to William Snow, ...

to Jasher Southworth, ...

to Experience Stockwell, ...

to Oliver Watson, ...

to Squier Wheeler, ...

to Benjamin Woodman, ...

to James Woodward, ...

appropriation for:

transfer from, to appropriation for billeting, ...

transfer from, to appropriation for bounty, ...

balance due John P. Bull for services as armorer in, allowed, ...

commissaries in:

Isaac Gridley, jr., allowance to, ...

Samuel Gridley, allowance to, for money advanced, ...

committee of war for:

allowance to, ...

companies under command of the Earl of Loudoun in:

captains or chief officers of, additional wages allowed to, ...

Capt. West's, Robert Manter in, allowed pay as ensign, ...

Capt. West's, Josiah Thacher in, allowed pay as lieutenant, ...

CROWN POINT EXPEDITION — continued.

William Davenport in, allowed wages of a private soldier, ...	164
Pearson Eaton in, to be prosecuted for fraud, ...	25
finer collected from soldiers in, to be applied to encourage the enlistment of men for Canada expedition, ...	196
forces under command of the Earl of Loudoun in: appropriation for, payment of officers and crew of Province ship, King George, etc., to be paid from, ...	114
appropriation for, payment of the charge of artillery to be paid from, ...	181
relative to transportation of baggage of, ...	29
returning home, allowed subsistence, ...	154
Col. Joseph Frye under command of the Earl of Loudoun in, allowed his wages, ...	317
half-pay of soldiers in, allowed:	
administrators of Edward Ayres, ...	227
Deborah Austen, widow of Ebenezer Austen, ...	250
John Bathrick, ...	131
Ebenezer Boutwell, ...	87
Daniel Brewer, ...	42
Boaz Brown, ...	34
William Eaton, ...	15
Jonathan Frost, ...	81
heirs of Joshua Sprague, ...	81
Ruth Holden widow of Justinian Holden, ...	30
Benjamin Keith for servant, ...	143
William King, ...	31
Nathan Page, ...	34
Josiah Perry, ...	70
William Ranger, ...	65
Thomas Riggs, ...	158
John Stacey, ...	193
Solomon Whitney, ...	42
Isaac Woods father of Jonas Woods, ...	81
Samuel Haskell in, allowed one month's wages as adjutant, ...	197
land granted to Joseph Barker, a soldier in, ...	188
officers and soldiers in, relative to a certificate to exempt, from poll tax, ...	37
relative to making up muster-rolls for, ...	89
relief of sick soldiers on their return from: between Albany and the Oneida Carrying Place: allowance for, ...	238
persons to be appointed for, ...	235

CROWN POINT EXPEDITION — continued.

relief of sick soldiers on their return from — continued.	
between Sheffield and Fort Edward: allowance for, ...	235
soldiers returning from: amount due for subsistence allowed father of Cotton Kellog, ...	133
John Peacock, sickness expenses allowed, ...	182
William Bundick Pearson, sickness expenses allowed, ...	37
Moses Pitcher, sickness expenses allowed, ...	162
relative to subsistence for, ...	119, 280
stoppage on gun belonging to Oxenbridge Thacher in, to be taken off, ...	383
Lieut. Thomas Torrey in, certain sum to be stopped out of wages of, ...	33
wages due soldiers for service in, allowed, 18 bis, 19 bis, 21 bis, 22 bis, 24, 27, 28 bis, 33, 52, 56, 59, 71, 73, 74, 85, 103, 118, 130, 133, 134, 145, 164, 183, 193, 195, 222, 244, 250, 268, 306, 311, 384	
Hezekiah Whitcomb in, allowance to the heirs of, for billeting, ...	223
CUMBERLAND COUNTY.	
collector of excise for, chosen, ...	705
farmers of excise in: committee to choose, ...	690
CUMBERLAND, FORT (Nova Scotia).	
allowance on account of loss of time, wounds, etc., while in service at: to William Thayer, ...	604
commissaries at, allowance to, ...	746
Jeremiah Day, ensign at, allowed part of his wages, ...	558
Lieut. John Trumbal at, allowed part of his wages, ...	558
wages for service at, allowed Henry Gale, ...	618
CUSHNOC (store-house or blockhouse).	
bounty for soldiers enlisting at, allowed, ...	145, 263
establishment for forces at, to be continued, ...	232
new establishment at, ...	673
pay and subsistence allowed soldiers at, ...	143, 211, 328, 512
soldiers at, relative to wages of, ...	136

D.

DARTMOUTH, Town of.

abatment of taxes in, ...	521
assessors of, assessments by, confirmed, ...	56, 543
boundary between, and Rochester, relative to settlement of, ...	19

DEBTS.

certain persons exempt from all arrests and attachments for, previous to bankruptcy, 424, 425 bis, 437 ter, 449, 451, 456, 508, 509, 538	
sale of land to pay, allowed, 47 bis, 50, 58, 64, 72, 75, 77, 80, 82, 83, 85, 88, 90, 100, 114, 117, 123, 124, 130, 131, 134, 146, 152, 154, 168, 181, 184, 186, 189, 195, 216 bis, 219, 256, 259, 267, 269, 270, 271, 278, 283, 284, 285, 291, 302, 304, 307, 320, 326, 341, 343 bis, 368, 375, 383, 389, 401, 403, 409, 418, 442, 445, 448, 449, 457, 463, 464, 468, 477, 485, 501, 503, 507, 512, 516, 517, 521, 527, 535,	

DEBTS — continued.

sale of land to pay, allowed — continued.	
536, 537, 545, 581, 589, 630, 633, 637, 644, 646, 647, 654, 659, 663, 668, 671, 683, 715, 729, 733, 744, 764	

DEDHAM, Town of.

county tax in, to be increased, ...	665
---	-----

DEED.

administratrix of Joshua Bowers impowered to deliver, under conditions, ...	185
Lucy Billing impowered to execute, ...	569
Garven Brown impowered to execute, ...	607
of land from Stockbridge Indians, Timothy Woodbridge allowed to receive, ...	275
of release, Thomas Hutchinson impowered to execute, ...	727
power to execute, granted, 15, 23, 25, 26, 27, 31, 46, 50, 53, 54, 55, 58, 61, 64, 66, 69, 72 bis, 75,	

DEED — *continued.*power to execute, granted — *continued.*

76, 77, 80, 83, 85, 88, 90, 97, 100, 102, 112,
114, 115, 117, 123, 124, 130, 132, 134, 146,
151 *bis*, 152, 154, 172, 179, 180, 181, 182, 184,
186, 189, 195, 209, 213, 214, 219, 256, 257,
258, 267, 270, 271 *bis*, 274, 283, 284, 285 *bis*,
286 *bis*, 287 *bis*, 288, 289, 291, 301, 302, 304
bis, 306, 311, 313, 320, 322, 325, 326, 341,
343 *bis*, 348, 368, 369, 375, 401, 403, 409,
415 *bis*, 416, 418, 427, 433, 434, 438, 442,
447, 448, 449, 457, 459, 468, 477, 485, 496,
501 *bis*, 502, 503 *bis*, 504, 514, 515, 516, 517,
523 *bis*, 527, 529, 531, 533, 535, 536, 537,
539, 541, 552, 568, 577, 581, 582, 583, 590,
591, 592, 597, 599, 603, 606, 613, 625, 630,
632, 633, 634, 637, 638, 640, 641 *bis*, 644,
645, 646, 647, 648, 650, 654 *bis*, 656, 659,
660, 663, 666, 668, 669, 683, 695, 696, 702,
703, 707, 709, 710, 711, 713, 715, 719, 725,
729, 732, 733, 741, 744, 745, 746, 750, 754,
759, 764

power to execute, of a quarter part of a saw
mill, granted, ... 649

DEERFIELD, Town of.

certain amount added to the Province tax in, . 104
roads laid out from, to Sunderland, relative to, 388,
472, 473
selectmen of, impowered to sell the ministerial
lot in, ... 472

DESERTERS.

allowance for charges in apprehending, 436, 741, 753
articles supplied, allowance to executrix of
Capt. Peter West for, ... 293
compensation for returning, allowed Hezekiah
Holmes, ... 282, 551

DINNER.

to be provided for Gov. Pownall, ... 40

DISBURSEMENT ACCOUNT.

of Thomas Hubbard, Commissary General:
report of committee on, ... 595
of John Wheelwright, Commissary General:
allowed, ... 441
report of committee on, . . . 378, 379, 380 *bis*

DISTIL-HOUSE.

one half of, etc., administrator impowered to
sell, ... 668

DISTRICTS.

Amherst:
taxes in, relative to, ... 402
Charlton:
assessors in, and town of Worcester, directions
to, ... 233
inhabitants of the Gore of land adjacent to,
annexed, ... 15
taxes in, assessment of, ... 551
Greenfield:
certain amount allowed for the inhabitants
of, ... 104
pay and subsistence allowed men at, . 211, 328
Harpwell:
Nehemiah Curtis and John Snow impowered
to collect taxes in, ... 635
Monson:
taxes in, relative to, ... 584
New Salem:
taxes in, assessment of, ... 487
Palmer:
certain inhabitants and lands of Brimfield an-
nexed to, ... 540

DISTRICTS — *continued.*Palmer — *continued.*

committee of, impowered to execute deed of
conveyance, ... 258
to repair annexed highway, ... 757
Pepperell:
allowance to selectmen of, ... 84
Prince Town:
taxes in, relative to, ... 584, 636, 671
Southampton:
certain amount to be deducted from taxes in,
and added to taxes in Northampton, . 79
South Hadley:
meeting-house in, relative to, ... 541, 694
proceedings at district meetings in, confirmed, 156
Spencer:
assessors in, and town of Leicester, directions
to, ... 33, 233
tax in, confirmed, ... 527
Westminster:
tax to be assessed on lands of non-residents,
also upon land laid out to Gov. Belcher
in, ... 483, 587

DOORKEEPER.

to the Governor and General Court:

allowance to, 126, 221, 266, 330, 477, 525, 653, 765

DORCHESTER, Town of.

selectmen of, to supply a French Neutral family
with beds, etc., ... 245

DOWER, RIGHT OF.

to widow of Benjamin Atwood, ... 447
to widow of John Ball, ... 322
to widow of John Bancraft, ... 457
to widow of Moses Bennet, jr., ... 287
to widow of Benoni Boynton, ... 630
to widow of Henry Bragg, ... 27
to widow of Robert Butterfield, ... 307
to widow of Joseph Chaffee, ... 644
to widow of Samuel Farwell, ... 219
to widow of Abiel Faulkner, ... 647
to widow of Silas Fay, ... 401
to widow of John George, ... 719
to widow of John Gill, ... 660
to widow of Zachariah Haskell, ... 646
to widow of Hezekiah Gay, ... 298
to widow of Jonathan Gilbert, ... 64
to widow of Benjamin Glazier, ... 271
to widow of Nathaniel Gleason now Susanna
Phillips, ... 659
to widow of Thomas Gleason, jr., ... 283
to widow of Isaac Green now Martha Page, . 655
to widow of John Green, ... 271
to widow of Andrew Harper, ... 15
to widow of Andrew Johnson, ... 80
to widow of Jacob Kitteridge, now Hannah
Osgood, ... 641
to widow of Edmund Livermore, now Rebecca
Ellinwood, ... 189
to widow of Beriah Man, ... 25
to widow of Increase Moores, ... 343
to widow of Nathan Newhall, ... 26
to widow of John Nichols, ... 664
to widow of Reuben Old, ... 645
to widow of William Pierce, ... 654
to widow of Nathan Rice, ... 270
to widow of Joseph Richardson now Abigail
Draper, ... 641
to widow of John Roberts, ... 326
to widow of Jacob Smith, ... 745
to widow of Isaac Stevens, ... 154

DOWER, RIGHT OF — continued.

to widow of Joshua Taylor, ...	729
to widow of Reuben Warriner, ...	671
to widow of John Whitcomb, ...	31
to widow of Nathaniel Wilson, ...	343
to widow of Ebenezer Witt, ...	637
to widow of Moses Woods now Esther Shattuck, ...	288
to widow, Anne Town, ...	597

DUDLEY INDIANS.

complaints of certain, against their guardians, relative to, ...	221
guardians of:	
appointment of, ...	693
re-elected, ...	241

DUKES COUNTY, County of.

apportionment of French Neutrals in, report of committee on, ...	553
collector of excise for, chosen, ...	324, 500, 705
farmers of excise in:	
committee to choose, ...	122, 254, 423, 689
Capt. Samuel Cobb, appointment of, ...	53, 279
treasurer of, account allowed, ...	399

DUNSTABLE, Town of.

French Neutrals to be transferred to, ...	429
Second precinct in, boundary of, to be established, ...	675

DUTIES.

on beaver, remitted, ...	20
--------------------------------	----

E.

EAST HOOSAC, Township of.

establishment of forces at, relative to, ...	522
--	-----

EASTERN FRONTIERS.

establishment of forces on, relative to, 28, 50, 67, 143, 211, 232, 270, 328, 370, 405, 512, 593	
Capt. John Smith, commander of a scouting company on, to be prosecuted, ...	24

EASTHAM, Town of.

Indians of, guardians of, re-elected, ...	241
Indians of, and of Harwich, relative to complaints of, ...	159, 276

EASTON, Town of.

French Neutrals to be transferred to, ...	191
selectmen of, to provide for a certain French Neutral family, ...	385

EDUCATION.

of children of the Indians of the Six Nations, interest on bequest of Sir Peter Warren to be used for, ...	60
proceeds from sale of lands to be applied for, of a minor, ...	427
sale of land to defray charges of, ...	66

EDWARD, FORT.

wages due Daniel Bishop, a soldier at, allowed, 279	
wages due John Pitman, a soldier at, allowed, 299	

EJECTMENT.

action of, against trespassers on Province lands in Hampshire County, ...	392
judgment by default in, ...	350, 390

ENLISTMENT.

allowance to persons in Capt. Lyman's company for the, of men in the service, ...	516
of inhabitants of certain towns on the Eastern frontiers to serve as soldiers, ...	50
of men to serve:	
at blockhouse or storehouse at Cushnoc, relative to, ...	145, 263
at Fort Halifax, relative to, 145, 263, 398, 432	
in Canada expeditions, relative to, 307, 348, 357, 489, 515, 544, 570	
on the Eastern frontiers, relative to, ...	211, 328
on the Province Ship, King George, 155, 745, 751	
on the Western frontiers, relative to, 48, 211, 328	
of the 500 men to serve at Louisburg and Nova Scotia, relative to, ...	556, 567, 597
of 5,000 men for the Western service, relative to, ...	597
three thousand men to be raised by, ...	721

ENTAIL.

estate of Daniel Osgood under, ...	285
--	-----

EQUITY OF REDEMPTION.

purchased by Isaac Little, ...	32
--------------------------------------	----

EQUIVALENT LANDS.

grant of:	
to John Farrar, ...	220
to William Lawrence, ...	223

ESSEX COUNTY.

apportionment of French Neutrals in, report of committee on, ...	553, 737
collector of excise for:	
chosen, ...	324, 500, 705
rate allowed for collecting, ...	578
farmers of excise in:	
committee to choose, ...	120, 252, 421, 688
Jacob Ashton, appointment of, 49, 197, 453, 734	
judge of probate for, impowered to appoint a committee to divide an estate, ...	481
judge of probate for, impowered to appoint persons to appraise estates, ...	546
justices of court of general sessions in, impowered to grant a license, 159, 409, 433, 451, 622	
soldiers belonging in, returning home, subsistence money allowed, ...	119, 342
superior court of judicature, etc., in, adjournment of, ...	407, 568
treasurer of:	
account allowed, ...	376 bis, 601
appointment of, ...	614

ESTABLISHMENT.

for officers of the forces to be raised, ...	478, 524
for Province Ship, King George, relative to, 36, 155, 158, 232, 316 bis, 419, 430, 673	
for the Eastern frontiers, relative to, 28, 50, 67, 143, 211, 232, 270, 328, 370, 405, 512, 593	
for the pay of 3,000 men to be raised for the service, relative to, ...	721, 738
for the Western frontiers, relative to, 28, 48, 67, 143, 211, 232, 270, 328, 370, 522	
new, for garrison at Fort Pownall, etc., ...	673
of bounty and wages of officers and soldiers in Canada expedition, ...	160, 161
of companies to survey the country this side of the St. Lawrence River, ...	691
of officers and soldiers:	
at Castle William, relative to, ...	39, 78
at Fort at Penobscot, relative to, ...	296, 327, 381
at George's Fort, relative to, ...	381
at Pemaquid, relative to, ...	381
of pay and subsistence of officers and soldiers, for the relief of Fort William Henry, ...	218
of pay of officers in Canada expedition, ...	327
of wages of officers and soldiers in Canada expedition, ...	160, 348

ESTABLISHMENT — *continued.*

of wages of Brig.-Gen. Ruggles, ...	538
of wages on sloop Massachusetts, ...	71
relative to continuing the, of the forces, . .	234
usual, allowed for garrison at Stockbridge, .	357

ESTATES.

of Abraham Adams, ...	709
of William Allen, ...	82
of Gideon Alvord, ...	186
of John Alvord, ...	289
of Ebenezer Austen, ...	280
of Edward Ayres, ...	227
of Christopher Babbidge, ...	50
of Jabez Bacon, ...	58
of Samuel Baker, ...	130
of John Ball, ...	322
of Thomas Ball, ...	512, 615
of John Bancraft, ...	457
of Comfort Barnes, ...	53
of Martin Barney, ...	577
of Jonathan Barron, ...	542
of Jonathan Battle, jr., ...	288
of Jabez Beeman, ...	244
of Jeremiah Belknap, ...	294
of Joseph Bellows, ...	426
of Moses Bennet, jr., ...	287
of Benoni Boynton, ...	630
of William Brabrook, ...	260, 341
of Capt. Joel Bradford, ...	477
of Henry Bragg, ...	27
of Ephraim Breed, ...	746
of Isaac Brown, ...	501
of John Brown, jr., ...	348
of Zachary Brown, ...	77
of William Brownell, ...	100
of Andrew Burley, ...	320
of John Burnham, ...	180
of John Butler (of Boston), ...	539
of John Butler (of Framingham), ...	262
of Nathaniel Butler, ...	744
of Daniel Campbell, ...	521
of Abel Carpenter, ...	668
of Aaron Chamberlain, ...	625
of Jonathan Cogswell, ...	168
of David Crocker, ...	403
of Thomas Crocker, ...	55
of Samuel Crosby, ...	541
of Ephraim Curtis, ...	542
of Stephen David, Indian, ...	485
of Thomas Dawes, ...	523
of Daniel Dean and Peter Carlton, . . .	656
of Constant Dexter, ...	389
of Jonathan Dunnel, jr., ...	269
of William Dudley, ...	52
of Rev. Jonathan Edward, ...	310
of Jonathan Emerson, ...	85
of Samuel Farwell, ...	219
of Abiel Faulkner, ...	647
of Abijah Finney, ...	47
of Nathaniel Fisher, ...	66
of Gershom Flag, jr., ...	464
of Jabez Fox, ...	209
of Thomas Fox, ...	416
of Hezekiah Gay, ...	298
of John George, ...	719
of Jonathan Gilbert, ...	64
of John Gill, ...	660
of Benjamin Glazier, ...	271
of Nathaniel Gleason, ...	659
of Thomas Gleason, jr., ...	283

ESTATES — *continued.*

of Benjamin Goddard, ...	580
of John Goss, ...	650
of Edward Gray, ...	274
of Isaac Green, ...	655
of John Green, ...	271
of Jonathan Griffin, ...	764
of Samuel Hallowell, ...	88
of John Hapgood, ...	725
of Ephraim Harvey, ...	146
of Zachariah Haskell, ...	646
of Benjamin Hatch (of Falmouth, Barnstable County), ...	97
of Benjamin Hatch (of Pembroke), ...	529
of Estes Hatch, ...	501
of Rev. Elias Haven, ...	515
of Nehemiah Hayden, ...	23
of Robert Henery, ...	633
of Jonathan Hitchcock, ...	449
of Ebenezer Holmes, ...	72
of Elisha Holmes, ...	518
of Samuel Hopkins, ...	131
of Francis How, ...	278
of Andrew Johnson, ...	80
of Dudley Jordan, ...	304
of William Keen, ...	287
of John Kellog, ...	325
of Zebadiah Keyes, ...	403
of Asahel King, ...	703
of Peter King, ...	61
of Jacob Kitteridge, ...	641
of Westbrook Knight, ...	463
of Nathaniel Langdon, ...	182
of Elkanah Leonard, ...	445
of Jabez Linnel, ...	503
of Isaac Little, ...	442, 640
of Edmund Livermore, ...	189
of Francis Low, ...	568
of Beriah Man, ...	25
of John Martyn, jr., ...	438
of Hopestill Mead, ...	123
of Joseph Metcalf, ...	583
of James Minot, ...	527
of Samuel Mitchell, ...	47
of Increase Moores, ...	343
of Joseph Morse, ...	90
of Ebenezer Mosely, ...	76
of Benjamin Muzzy, ...	448
of George Nelson, ...	152
of Nathan Newhall, ...	26
of Reuben Old, ...	645
of James Oliver, ...	695
of Daniel Osgood, ...	285
of Robert Packard, ...	368
of John Palfrey, ...	580
of Elias Parkman of Boston and Samuel Weld of Roxbury, ...	654
of Hezekiah Peck, ...	590
of John Perkins, ...	545
of Jonathan Phelps, ...	581
of William Pierce, ...	654
of Mary Pogenit (Indian), ...	536
of Benjamin Pollard, ...	523
of Joseph Pratt, ...	291
of Rev. Nathan Prince, ...	54
of Edward Putnam, ...	552, 666
of William Putnam, ...	502
of Nathan Rice, ...	270
of Noah Rice, ...	632
of Joseph Richardson, ...	641

ESTATES — continued.

of Josiah Richardson, jr., ...	117
of John Roberts, ...	326
of Ichabod Robins, ...	75
of Daniel Rogers, ...	517
of John Rogers, ...	258
of William Salmon, ...	304
of Joseph Sargent, ...	707
of William Sayer, ...	634
of Jonathan Sears, ...	179
of Zaccheus Shead, ...	224
of [Mrs.] Nathaniel Shurtleff, ...	503
of Jacob Smith, ...	745
of Jesse Smith, ...	416, 591
of Daniel Staniford, ...	599
of Daniel Stearns, ...	269
of Ebenezer Stearns, ...	715
of Isaac Stevens, ...	154
of Ichabod Stockwell, ...	91
of Stephen Streeter, ...	102
of Thomas Swift, ...	733
of Joshua Taylor, ...	729
of Peter Thacher, ...	256
of Daniel Thayer, ...	184
of Samuel Thompson, ...	665
of Christopher Tilden, ...	648
of Samuel Tobumso (Indian), ...	209
of John Tuckerman, ...	582
of John Turner, ...	511
of William Tyler, ...	268
of Beriah Ware, ...	603
of Aaron Warner, ...	286
of Joseph Warren, ...	213
of Reuben Warriner, ...	671
of William Waters, ...	306
of Thomas Wheeler, ...	46
of John Whitcomb, ...	31
of Rev. John White, ...	619
of James Whitney, ...	214
of John Whitemore, ...	246
of Abijah Wheeler, ...	713
of John Williams, ...	638
of Nathaniel Wilson, ...	343
of Joshua Winchester, ...	181
of Seth Witherell, ...	537
of Ebenezer Witt, ...	637
of Solomon Wood, ...	267
valuation of:	
assessors in Watertown to produce lists of, ...	318
relative to, ...	57
lists of, to be returned to the several towns, ...	32

ESTATES, INSOLVENT.

of Joseph Bridgham, ...	669
of Joseph Clark, ...	589
of Edmund Greenleaf, ...	134
of Andrew Harper, ...	207
of Josiah Hatch, ...	482
of William Johnson, ...	151
ofudson Kilcup, ...	38
of Isaac Little, ...	72
of James Lockhart, ...	195
of Paul Pease, ...	400
of Jonathan Shead, ...	172
of John Staniford, ...	535
of Abiel Walley, ...	398
of Col. Thomas Westbrook, ...	114

ESTATES, INTESTATE.

of Benjamin Atwood (also insolvent), ...	447
of Joseph Barrett, ...	467
of Richard Bill, ...	104

ESTATES, INTESTATE — continued.

of Joshua Bowers, ...	185
of Robert Butterfield, ...	307
of John Carnes, ...	606
of Joseph Chaffee, ...	644
of William Chamberlain, ...	375
of Preserved Clap, ...	302
of Silas Fay, ...	401
of John Glover (also insolvent), ...	507
of Andrew Harper, ...	15
of Robert Hollard (also insolvent), ...	504
of Allan Melvill, ...	759
of John Nichols, ...	531
of Jonathan Page, ...	284
of Thomas Porter, ...	516
of Ebenezer Ramsdell, ...	123
of Benjamin Shed, jr., ...	710
of Henry Smith, ...	683
of Samuel Taylor, 2d, ...	409
of Brig. Samuel Waldo, ...	505
of Moses Woods, ...	288
of Ebenezer Wyman, ...	418

EXCISE.

due government from Philip Masters, remitted, ...	556
duties of, to be paid on spirits distilled from cider, ...	667
on rum, Joseph Fisher excused from paying, ...	246
on tea, coffee, etc., directions to committee on farming, ...	334, 395

EXCISE ACT.

finer for breach of, remitted, ...	471
--	-----

EXCISE, COLLECTORS OF.

for all the counties, chosen, ...	324, 500, 705
for Essex County:	
rate allowed to, for collecting, ...	578
for Hampshire County:	
directed not to prosecute Jonathan White, ...	667
for Middlesex County:	
one per cent additional, allowed, ...	676
for Plymouth County:	
one per cent additional allowed, ...	675
for Suffolk County:	
one per cent additional allowed, ...	359
not to collect excise on spirituous liquors used at Castle William, ...	758
to withdraw his prosecution against Gideon Gardner, ...	330
for York County:	
additional allowance to, ...	458
impowered to collect the excise, ...	663
to discharge Matthew Patten of the amount for duties and excise, ...	627
not to prosecute certain persons for illegally selling rum, ...	371, 372 <i>ter</i> , 387
petition of, relative to the sale of spirituous li- quors without license, ...	301

EXCISE, FARMERS OF.

delinquent, Province Treasurer to put bonds of, in suit, ...	190
in Barnstable County:	
committee to choose, ...	122, 253, 422, 688
Oris Bacon, appointment of, ...	408
Cornelius Crocker, appointment of, ...	582
Isaac Hineley, appointment of, ...	210
Nathaniel Little, appointment of, ...	51
in Bristol County:	
committee to choose, ...	122, 230, 253, 422, 690
Capt. Thomas Cobb, appointment of, ...	9, 454 <i>bis</i>
in Cumberland County:	
committee to choose, ...	690

EXCISE, FARMERS OF — continued.

in Dukes County:	
committee to choose, . . .	122, 254, 423, 689
Capt. Samuel Cobb, appointment of, . . .	53, 279
in Essex County:	
committee to choose, . . .	120, 252, 421, 688
Jacob Ashton, appointment of, . . .	49, 197, 453, 734
in Hampshire County:	
committee to choose, . . .	121, 252, 421, 688
in Lincoln County:	
committee to choose, . . .	689
in Middlesex County:	
committee to choose, . . .	121, 252, 421, 690
John White, appointment of, . . .	251
in Nantucket County:	
committee to choose, . . .	123, 254, 423, 689
Thomas Arthur, appointment of, . . .	233
in Plymouth County:	
committee to choose, . . .	121, 253, 422, 687
William Rand, appointment of, . . .	716
John Russell, appointment of, . . .	148
James Warren, jr., appointment of, . . .	9
Edward Winslow, appointment of, . . .	419
in Suffolk County:	
committee to choose, . . .	120, 252, 420, 687
William Story, appointment of, . . .	169, 760
in Worcester County:	
committee to choose, . . .	121, 253, 421, 688
Paul Crocker, appointment of, . . .	210
Capt. Edward Harrington, appointment of, . . .	8
in York County:	
committee to choose, . . .	122, 254, 422, 689
Ichabod Goodwin, appointment of, . . .	9
James Sayward, appointment of, . . .	170, 397, 453

EXECUTION.

stay of, . . .	64, 73, 79, 80, 99, 214, 222, 261, 350, 423, 466, 557, 631, 670
John Stevens to be protected against all arrests and executions, . . .	674

EXECUTOR OR ADMINISTRATOR.

administrator allowed to receive wages due William Williams, a surgeon, . . .	700
allowance to, of Seth Witherell for gun lost in Crown Point expedition, . . .	589
allowance to executors of William Pike, . . .	718
amount stopped out of wages of Ichabod Stockwell, a soldier, to be paid to, . . .	91
certain sum to be paid from wages due Capt. Joseph Ingersoll to, of Jonathan Hidden, . . .	68
half-pay due Ebenezer Austen, a soldier, allowed administratrix, . . .	280
half-pay due Edward Ayres, a soldier, allowed, . . .	227
of Abraham Adams impowered to execute a deed, . . .	709
of William Allen impowered to sell real estate, . . .	82
of John Alvord impowered to sell real estate, . . .	289
of Benjamin Atwood impowered to sell lands, . . .	447
of Edward Ayres, half-pay of soldier allowed, . . .	227
of Christopher Babbidge impowered to sell real estate, . . .	50
of Jabez Bacon impowered to sell land, . . .	58
of Samuel Baker impowered to sell real estate, . . .	130
of John Ball impowered to sell real estate, . . .	322
of Thomas Ball impowered to sell land and mills, . . .	512, 615
of John Bancraft impowered to sell real estate, . . .	457
of Comfort Barnes impowered to sell an estate, . . .	53
of Martin Barney impowered to execute a deed, . . .	577
of Joseph Barrett impowered to sell real estate, . . .	467

EXECUTOR OR ADMINISTRATOR — continued.

of Jonathan Barron impowered to sell real estate, . . .	542
of Jonathan Battle, jr., impowered to sell the right in said Battle's estate, . . .	288
of Moses Bennet, jr., impowered to sell real estate, . . .	287
of Richard Bill impowered to act as treasurer for Suffolk County, . . .	104
of Joshua Bowers impowered to deliver a deed, . . .	185
of Benoni Boynton impowered to sell land, . . .	630
of William Brabrook impowered to sell land, . . .	341
of Capt. Joel Bradford impowered to sell real estate, . . .	477
of Henry Bragg impowered to sell real estate, . . .	27
of Ephraim Breed impowered to sell land, . . .	746
of Joseph Bridgham impowered to sell real estate, . . .	669
of Isaac Brown impowered to sell lands, . . .	501
of John Brown, jr., impowered to execute a deed, . . .	348
of Zachary Brown impowered to sell a portion of the estate, . . .	77
of William Brownell impowered to sell real estate, . . .	100
of Andrew Burley impowered to sell real estate, . . .	320
of John Butler impowered to sell land, . . .	262
of Nathaniel Butler impowered to sell real estate, . . .	744
of Robert Butterfield impowered to sell real estate, . . .	307
of Daniel Campbell impowered to sell land, . . .	521
of John Carnes impowered to sell two-elevenths part of an estate, . . .	606
of Abel Carpenter, impowered to sell one half of a distil-house, . . .	668
of Joseph Chaffee impowered to sell real estate, . . .	644
of Aaron Chamberlain impowered to sell lands, . . .	625
of William Chamberlain impowered to execute a deed, . . .	375
of Preserved Clap impowered to sell land, . . .	302
of Joseph Clark impowered to sell real estate, . . .	589
of Jonathan Cogswell impowered to sell real estate, . . .	168
of David Crocker impowered to sell real estate, . . .	403
Joseph Curtis, administrator, appointed successor to Ephraim Curtis, impowered to demand and receive money due on bonds, . . .	542
of Daniel Dean and Peter Carlton impowered to sell real estate, . . .	656
of Constant Dexter impowered to sell real estate, . . .	389
of Jonathan Dunnel, jr., impowered to sell land, . . .	269
of Sarah Edwards impowered to sell real estate, etc., . . .	310
of Jonathan Emerson impowered to sell land, . . .	85
of Samuel Farwell impowered to sell real estate, . . .	219
of Abiel Faulkner impowered to sell real estate, . . .	647
of Silas Fay impowered to sell real estate, . . .	401
of Abijah Finney impowered to sell real estate, . . .	47
of Gershom Flagg, jr., impowered to sell real estate, . . .	464
of Thomas Fox impowered to execute a deed, . . .	416
of Solomon French, gun to be delivered to, . . .	18
of Hezekiah Gay, petition of, relative to the division of the estate, . . .	298
of John George impowered to sell real estate, . . .	719

**EXECUTOR OR ADMINISTRATOR — con-
tinued.**

of Jonathan Gilbert impowered to sell real estate, ...	64
of John Gill impowered to sell real estate, ...	660
of Benjamin Glazier impowered to sell real estate, ...	271
of Nathaniel Gleason impowered to sell real estate, ...	659
of Thomas Gleason, jr., impowered to sell land, ...	283
of John Glover impowered to sell real estate, ...	507
of John Goss impowered to sell real estate, ...	650
of Edward Gray impowered to sell real estate, ...	274
of Isaac Green impowered to sell real estate, ...	655
of John Green impowered to sell real estate, ...	271
of Edmund Greenleaf impowered to sell real estate, ...	134
of Jonathan Griffin impowered to sell real estate, ...	764
of Samuel Hallowell impowered to sell part of an estate, ...	88
of George Hanners, bounty to be paid to, ...	762
of John Hapgood impowered to sell lands, ...	725
of Andrew Harper:	
allowed more time to settle claims against an insolvent estate, ...	207
impowered to sell real estate, ...	15
of Ephraim Harvey impowered to sell land, ...	146
of Zachariah Haskell impowered to sell real estate, ...	646
of Benjamin Hatch impowered to sell lands, ...	97
of Estes Hatch impowered to sell real estate, ...	501
of Rev. Elias Haven impowered to sell land, ...	515
of Nehemiah Hayden impowered to sell land, ...	23
of Robert Henery impowered to sell real estate, ...	633
of Jonathan Hitchcock impowered to sell real estate, ...	449
of Robert Holland with guardian, impowered to sell land, ...	504
of Ebenezer Holmes impowered to sell real estate, ...	72
of Samuel Hopkins impowered to sell real estate, ...	131
of Francis How impowered to sell land, ...	278
of Andrew Johnson impowered to sell real estate, ...	80
of William Johnson impowered to sell land, ...	151
of William Keen impowered to sell real estate, ...	287
of Asahel King impowered to sell land, ...	703
of Peter King impowered to sell real estate, ...	61
of Jacob Kitteridge impowered to sell real estate, ...	641
of Westbrook Knight impowered to sell real estate, ...	463
of Nathaniel Langdon impowered to execute a deed, ...	182
of Jabez Linnel impowered to sell real estate, ...	503
of Isaac Little of Pembroke impowered to sell land, ...	442, 640
of Isaac Little of Plympton, impowered to sell real estate, ...	72
of Edmund Livermore impowered to sell real estate, ...	189
of James Lockhart impowered to sell real estate, ...	195
of Francis Low impowered to execute a deed, ...	568
of John Martyn, jr., impowered to execute a deed, ...	438
of Hopedill Mead impowered to sell the third set off as the widow's dower, ...	124
of Allan Melvill impowered to sell land, ...	759

**EXECUTOR OR ADMINISTRATOR — con-
tinued.**

of Joseph Metcalf with Jonathan Metcalf impowered to execute deeds, ...	583
of James Minot impowered to sell real estate, ...	527
of Samuel Mitchell impowered to sell real estate, ...	47
of Increase Moores impowered to sell lands, ...	343
of Joseph Morse impowered to sell real estate, ...	90
of Benjamin Muzzy impowered to sell lands, ...	448
of George Nelson impowered to sell real estate, ...	152
of Nathan Newhall impowered to sell real estate, ...	26
of John Nichols, with guardian, impowered to sell lands, ...	531
of Reuben Old impowered to sell real estate, ...	645
of James Oliver impowered to execute a deed, ...	695
of Daniel Osgood impowered to sell land, ...	285
of Robert Packard impowered to sell real estate, ...	368
of Jonathan Page impowered to sell land, ...	284
of Elias Parkman and of Thomas Weld, petition of, for William Parkman to be impowered to sell land, granted, ...	654
of Paul Pease impowered to sell real estate, ...	400
of Hezekiah Peck impowered to sell real estate, ...	590
of Jonathan Phelps impowered to sell real estate, ...	581
of William Pierce impowered to sell real estate, ...	654
of Mary Pogenit (Indian) impowered to sell real estate, ...	536
of Benjamin Pollard impowered to sell land, ...	523
of Thomas Porter impowered to sell real estate, ...	516
of Joseph Pratt impowered to sell real estate, ...	291
of William Putnam impowered to sell land, ...	502
of Ebenezer Ramsdell impowered to sell real estate, ...	123
of Nathan Rice impowered to sell land, ...	270
of Noah Rice impowered to sell real estate, ...	632
of Josiah Richardson, jr., impowered to sell real estate, ...	117
of John Roberts impowered to sell lands, ...	326
of Ichabod Robins impowered to sell land, ...	75
of Daniel Rogers impowered to sell real estate, ...	517
of John Rogers impowered to sell real estate, ...	258
of William Salmon impowered to sell real estate, ...	304
of Joseph Sargent impowered to sell real estate, ...	707
of Jonathan Shead impowered to sell land, ...	172
of Benjamin Shed, jr., impowered to sell real estate, ...	710
of Henry Smith impowered to sell an estate, ...	683
of Jacob Smith impowered to sell real estate, ...	745
of Jesse Smith:	
as guardian, impowered to sell real estate, ...	591
impowered to execute a deed, ...	416
of Daniel Staniford impowered to sell real estate, ...	599
of John Staniford impowered to sell an estate, ...	535
of Ebenezer Stearns impowered to sell real estate, ...	715
of Isaac Stevens impowered to sell land, ...	154
of Stephen Streeter impowered to execute a deed, ...	102
of Joshua Taylor impowered to sell real estate, ...	729
of Samuel Taylor, 2d, impowered to sell land, ...	409
of Peter Thacher impowered to sell estate, ...	256
of Daniel Thayer impowered to sell land, ...	184
of Christopher Tilden impowered to sell land, ...	648
of Samuel Tobumso (Indian), impowered to sell real estate, ...	209
of Brig. Samuel Waldo impowered to carry on law suits, ...	505
of Abiel Walley impowered to sell real estate, ...	398

EXECUTOR OR ADMINISTRATOR — *continued.*

of Beriah Ware impowered to sell real estate, .	603
of Aaron Warner impowered to sell lands, .	286
of Joseph Warren impowered to execute a deed, .	213
of Reuben Warriner impowered to sell real estate, .	671
of William Waters, with others, impowered to sell real estate, .	306
of Capt. Peter West, allowance to, .	293
of Col. Thomas Westbrook impowered to sell real estate, .	114
of Thomas Wheeler impowered to execute a deed, .	46
of James Whitney impowered to execute a deed, .	214
of Nathaniel Wilson impowered to sell real estate, .	343
of Joshua Winchester impowered to sell lands, .	181
of Seth Witherell impowered to sell real estate, .	537
of Ebenezer Witt impowered to sell real estate, .	637
of Solomon Wood with guardian of Isaac Wood impowered to sell land, .	267
of Moses Woods impowered to sell lands, .	288
of Ebenezer Wyman impowered to sell land, .	418
petition for, of Rev. John White to be impowered to sell real estate, .	619
sickness expenses of Joseph Bellows, a soldier, allowed his, .	426
sickness expenses of Benjamin Gates, a soldier, allowed his, .	413
sickness expenses, etc., of Zebadiah Keyes, a soldier, allowed his, .	403
sickness expenses, etc., of Daniel Stearns, a soldier, allowed his, .	269
Anne Town impowered to sell land, .	597
wages due Edward Merrow, a soldier, allowed to his, .	575
wages due William Brabrook, a soldier, to be paid to his, .	260
wages due Robert Pepper, a soldier, to be paid to his, .	394
wages due Charles Rice, a soldier, to be paid to his, .	318
wages due servant of Jabez Beeman, a soldier, to be paid to administrator of said Beeman, .	244
wages due Zaccheus Shead, a soldier, to be paid to his, .	224

EXPEDITIONS, CANADA.

abatement of taxes on account of men hired in, in lieu of Quakers, relative to, .	521
additional wages allowed Brig.-Gen. Ruggles in, .	351
allowance for gun lost in, to John Marsh, .	631
allowance for medical attendance upon a soldier returned from, .	634
allowance on account of loss of time, wounds, etc., while in:	
to administratrix of Zebadiah Keyes, .	403
to William Bacon, .	683
to Micah Bowker, .	406
to guardian of John Ball, .	571
to Benjamin Matthews, .	407
to Wilson Rawson father of Caleb Rawson, .	407
to Ebenezer Rider, .	572
to Isaac Torrey, .	585
to Joseph Witherell, .	367
to Nathaniel Whitmore, .	658
to Thomas Wright for son Reuben Wright, .	701

EXPEDITIONS, CANADA — *continued.*

allowance to William Peckham for wages and sickness expenses of his servant, a soldier in, .	385
amount stopped out of wages of George Thayer, a soldier in, allowed, .	673
articles to be provided for soldiers in, etc., relative to, .	183
blankets for, relative to, .	165, 187, 483
bounty allowed Jonathan Barney, jr., for enlisting in, .	282
box of instruments to be delivered for the use of, .	545
captains in, making up muster-rolls, wages and travelling expenses allowed, .	436, 639
carrier to be employed in, to ride between Boston and Albany, .	598
certain amount to be paid to each soldier in, receiving the King's bounty of 4 ^l , .	534
clothing for soldiers in, to be provided, .	335
colonels in, additional wages allowed to, .	194
committee on, report of, .	160, 307
courier for, to be appointed, .	198
deserters from, compensation allowed for the return of, .	282, 551
encouragement for soldiers for, relative to, .	312
enlisting soldiers for, time extended for, .	357, 489, 515, 544, 567
medicines, etc., for regiments in, relative to, .	196, 335 bis
minors and servants enlisting in, relative to wages of, .	324
non-commissioned officers and soldiers to be employed in, subsistence money allowed to, .	317
officers in:	
pay of, established, .	327
receiving bounty money to give bond, .	169
relative to making up muster-rolls for, .	236, 251
relative to paying seamen, etc., in the late, .	443, 569
relative to raising men for, .	153, 154, 176, 196, 348
soldiers enlisting in:	
additional bounty allowed to, .	161
rate allowed per day for subsistence to, .	168
treasury notes for payment of bounty of, to be endorsed, .	331, 483, 570
surgeon to each regiment in, allowed an additional mate, .	335
surgeons in, to account with Commissary General relative to medicines, etc., .	344
transportation of troops for, report of committee on, .	199
wages due soldiers in, allowed, .	345, 355, 373, 384, 419, 550
wages due supernumeraries in, allowed, .	321
Artemas Ward in, allowed wages as lieutenant-colonel, .	635

EXPEDITION, CROWN POINT.

allowance for gun lost in:	
to administrator of Seth Witherell, .	589
to Jonathan Barnard, .	120
to Benjamin Lyman, jr., .	29
to John Patten, .	214
to Elizabeth Pritchett, .	274
to Christian Vanhorn, .	161
allowance on account of loss of time, wounds, etc., while in:	
to administrator of Daniel Stearns, .	269
to John Con, .	697
to Amos Howard, .	247

EXPEDITION, CROWN POINT — continued.

allowance on account of loss of time, wounds, etc., while in — <i>continued.</i>	
to Abraham Johnson, ...	118
to Daniel Merritt, ...	41
to Benjamin Nourse, ...	199
to Josiah Parker, ...	55
to Samuel Pearce, ...	280
to James Poole, ...	41
to Nathaniel Richardson, ...	113
to Obadiah Sampson, father of Samuel Sampson, ...	99
to John Savage, ...	147
to Nathan Thompson, ...	35
to Caleb Wood, ...	124
allowance to Amos Allen for sickness expenses, etc., of Amos Allen, a soldier in, ...	199
allowance to Timothy Burbank for billeting men for, ...	171
allowance to John Crooks for sickness expenses of his brother, a soldier in, ...	298
allowance to Moses Deshon, a soldier in, for services and travelling expenses, ...	39
allowance to Margaret Forbush for services of her husband, a soldier in, ...	133
allowance to Hannah Johnson for sickness expenses and wages due her husband, a soldier in, ...	136
allowance to Jonathan Jordan for expenses on account of his son, a soldier in, ...	243
allowance to Eli Phinney for disbursements on account of two sick soldiers in, ...	180
allowance to Joseph Porter for sickness expenses of his servant, a soldier in, ...	225
allowance to sick and wounded soldiers in, 32, 36, 40, 60, 68, 167	
allowance to soldiers in, furnishing their guns, 16, 18, 34, 62, 63 <i>bis</i> , 92, 102, 113, 137, 182	
allowance to the following soldiers in for attendance upon the sick:	
Reuben Asten, ...	103
Samuel Harris, ...	227
Thomas Hobbs, ...	62
Eliab White, ...	101
Benjamin Woodman, ...	103
allowance to William White for sickness expenses, also wages due, while in, ...	164
amount stopped out of wages of soldiers in, allowed:	
to Joseph Bailey, ...	92
to John Briggs, ...	685
to Ephraim Brown for his apprentice, ...	629
to Joseph Chamberlain, ...	58
to Ezekiel Cheever, ...	137
to Nathaniel Davidson for servant, ...	138
to Ichabod Druce, ...	282
to Angus Fletcher, ...	35
to Peter Fletcher, ...	92
to Nathan Foster, ...	30
to Hulda Halloway mother of Calvin Halloway, ...	35
to Sylvanus Hemenway for his apprentice, ...	62
to Jonathan Hill for servant, ...	136
to Micah Hoskins, ...	102
to John Huston, ...	49
to Francis Keen, ...	111
to Lawrence Lynch, ...	13
to Noah McIntyre, ...	17
to John Martin, ...	74
to Silas Matthews, ...	58

EXPEDITION, CROWN POINT — continued.

amount stopped out of wages of soldiers in, allowed — <i>continued.</i>	
to Ebenezer Norcott, ...	169
to Ward Noyes, ...	49
to Josiah Osgood for son, ...	101
to Timothy Page, ...	218
to Mercy Pixley widow of John Pixley, ...	13
to Lydia Ramsdell widow of Ephraim Ramsdell, ...	219
to Charles Rice, ...	16
to Samuel Smith, ...	11
to William Snow, ...	149
to Jasher Southworth, ...	47
to Experience Stockwell, ...	91
to Oliver Watson, ...	13
to Squier Wheeler, ...	11
to Benjamin Woodman, ...	39
to James Woodward, ...	30
appropriation for:	
transfer from, to appropriation for billeting, 152	
transfer from, to appropriation for bounty, ...	152
balance due John P. Bull for services as armorer in, allowed, ...	198
commissaries in:	
Isaac Gridley, jr., allowance to, ...	510
Samuel Gridley, allowance to, for money advanced, ...	756
committee of war for:	
allowance to, ...	123
companies under command of the Earl of Loudoun in:	
captains or chief officers of, additional wages allowed to, ...	170
Capt. West's, Robert Manter in, allowed pay as ensign, ...	163
Capt. West's, Josiah Thacher in, allowed pay as lieutenant, ...	163
William Davenport in, allowed wages of a private soldier, ...	164
Pearson Eaton in, to be prosecuted for fraud, ...	25
finest collected from soldiers in, to be applied to encourage the enlistment of men for Canada expedition, ...	196
forces under command of the Earl of Loudoun in:	
appropriation for, payment of officers and crew of Province ship, King George, etc., to be paid from, ...	114
appropriation for, payment of the charge of artillery to be paid from, ...	181
relative to transportation of baggage of, ...	29
returning home, allowed subsistence, ...	154
Col. Joseph Frye under command of the Earl of Loudoun in, allowed his wages, ...	317
half-pay of soldiers in, allowed:	
administrators of Edward Ayres, ...	227
Deborah Austen, widow of Ebenezer Austen, ...	280
John Bathrick, ...	131
Ebenezer Boutwell, ...	87
Daniel Brewer, ...	42
Boaz Brown, ...	34
William Eaton, ...	15
Nathan Frost, ...	81
heirs of Joshua Sprague, ...	81
Ruth Holden widow of Justinian Holden, ...	30
Benjamin Keith for servant, ...	143
William King, ...	31
Nathan Page, ...	34
Josiah Perry, ...	70
William Ranger, ...	65

EXPEDITION, CROWN POINT — continued.

half-pay of soldiers in, allowed — <i>continued.</i>	
Thomas Riggs, ...	158
John Stacey, ...	193
Solomon Whitney, ...	42
Isaac Woods father of Jonas Woods, ...	81
Samuel Haskell in, allowed one month's wages as adjutant, ...	197
land granted to Joseph Barker, a soldier in, ...	188
officers and soldiers in, relative to a certificate to exempt, from poll tax, ...	37
relative to making up muster-rolls for, ...	89
relief of sick soldiers on their return from:	
between Albany and the Oneida Carrying Place:	
allowance for, ...	238
persons to be appointed for, ...	235
between Sheffield and Fort Edward:	
allowance for, ...	235
soldiers returning from:	
amount due for subsistence allowed father of Cotton Kellog, ...	133
John Peacock, sickness expenses allowed, ...	182
William Bundick Pearson, sickness expenses allowed, ...	37
Moses Pitcher, sickness expenses allowed, ...	162
relative to subsistence for, ...	119, 280
stoppage on gun belonging to Oxenbridge Thacher in, to be taken off, ...	383
Lieut. Thomas Torrey in, certain sum to be stopped out of wages of, ...	33
wages due soldiers for service in, allowed, 18 <i>bis</i> , 19 <i>bis</i> , 21 <i>bis</i> , 22 <i>bis</i> , 24, 27, 28 <i>bis</i> , 33, 52, 56, 59, 71, 73, 74, 85, 103, 118, 130, 133, 134, 145, 164, 183, 193, 195, 222, 244, 250, 268, 306, 311, 384	

EXPEDITION, CROWN POINT — continued.

Hezekiah Whitecomb in, allowance to the heirs of, for billeting, ...	223
--	-----

EXPEDITION, WESTERN.

allowance on account of loss of time, wounds, etc., while in:	
to Samuel Shattuck father of Benjamin Shattuck, ...	432
amount stopped out of wages of soldiers in, allowed:	
to James Childs, ...	273
soldiers on their return home from, rate per day allowed, ...	430

EXPEDITION, LOUISBURG.

allowance on account of loss of time, wounds, etc., while in:	
to Daniel Poor, ...	351
Sir William Pepperell, Lieut.-General in:	
allowance to, for expenses, ...	119
allowance to, for services, ...	119

EXPEDITION, PENOBSCOT.

allowance on account of loss of time, wounds, etc., while in:	
to Benjamin Hill, ...	571

EXPORTS.

of fish to Teneriffe, allowed, ...	43
--	----

EXPRESSES.

to be sent to other New England governments, relative to appointment of commissioners to meet with commissioners from this Province, ...	104
--	-----

EUROPE.

soldiers taken captive, and carried to, allowance to, on their return, ...	254
--	-----

F.

FALMOUTH, Town of, Barnstable County.

ferry between, and Martha's Vineyard, Philip Dexter to keep, ...	69
Indians in, guardians of, re-elected, ...	241

FALMOUTH, Town of, York County.

boundary between New Marblehead, and North Yarmouth, ...	677
Second parish in, certain inhabitants of, with their estates, set off to the First parish, ...	445

FALLTOWN, Township of.

Burk's garrison at, relative to, 143, 211, 232, 328, 522	
Sheldon's garrison at, relative to, 143, 211, 232, 328, 522	

FARMERS OF EXCISE.

delinquent, Province Treasurer to put bonds of, in suit, ...	190
in Barnstable County:	
committee to choose, ...	122, 253, 422, 688
Oris Bacon, appointment of, ...	408
Cornelius Crocker, appointment of, ...	582
Isaac Hinckley, appointment of, ...	210
Nathaniel Little, appointment of, ...	51
in Bristol County:	
committee to choose, ...	122, 230, 253, 422, 690
Capt. Thomas Cobb, appointment of, ...	9, 454 <i>bis</i>
in Cumberland County:	
committee to choose, ...	690
in Dukes County:	
committee to choose, ...	122, 254, 423, 689
Capt. Samuel Cobb, appointment of, ...	53, 279

FARMERS OF EXCISE — continued.

in Essex County:	
committee to choose, ...	120, 252, 421, 688
Jacob Ashton, appointment of, ...	49, 197, 453, 734
in Hampshire County:	
committee to choose, ...	121, 252, 421, 688
in Lincoln County:	
committee to choose, ...	689
in Middlesex County:	
committee to choose, ...	121, 252, 421, 690
John White, appointment of, ...	251
in Nantucket County:	
committee to choose, ...	123, 254, 423, 689
Thomas Arthur, appointment of, ...	233
in Plymouth County:	
committee to choose, ...	121, 253, 422, 687
William Rand, appointment of, ...	716
John Russell, appointment of, ...	148
James Warren, jr., appointment of, ...	9
Edward Winslow, appointment of, ...	419
in Suffolk County:	
committee to choose, ...	120, 252, 420, 687
William Story, appointment of, ...	169, 760
in Worcester County:	
farmers of excise in:	
committee to choose, ...	121, 253, 421, 688
Paul Crocker, appointment of, ...	210
Capt. Edward Harrington, appointment of, ...	8

FARMERS OF EXCISE — *continued.*

in York County:
 committee to choose, . . . 122, 254, 422, 689
 Ichabod Goodwin, appointment of, . . . 9
 James Sayward, appointment of, . . . 170, 397, 453

FARMS.

annexation of, to Sutton, . . . 10, 65
 between Lancaster and Narragansett Township

Number Two:

petition of proprietors of, relative to, . . . 295, 381
 in Marshfield, relative to mortgage on, . . . 17

FAST DAY.

relative to the appointment of, . . . 42, 374

FERRY.

between Falmouth and Martha's Vineyard,
 Philip Dexter to keep, . . . 69

FINES.

collected from soldiers impressed for Crown
 Point expedition, relative to, . . . 196
 for selling spirituous liquors, certain persons
 excused from paying, . . . 301
 William Rawson, jr., released from, for non-
 appearance at court, . . . 275
 remission of:
 for breach of excise act, . . . 471
 to Berkley, . . . 415
 to Medway, . . . 635
 to Raynham, . . . 632
 to Southborough, . . . 638
 to Townsend, . . . 473
 to Uxbridge, . . . 643

FIRE.

in Boston:
 allowance for sufferers from, . . . 497
 treasury notes destroyed by, allowance for, 526,
 685, 692
 in Braintree:
 note consumed by, allowance for, . . . 659

FIRE-ENGINE.

for Castle William, . . . 541

FIREWOOD.

for lighthouse, allowance for, . . . 94, 277, 440, 643

FISH.

exportation of, to Teneriffe, allowed, . . . 43

FLEET.

commanded by Admiral Saunders:
 relative to the pay of seamen serving in, . . . 431

FORTS.

and garrisons:
 appropriation for:
 expense of barrack utensils to be paid
 from, . . . 238
 transfer from appropriation for commis-
 sary's disbursements to, . . . 152
 transfer from, to appropriation for support
 of French Neutrals, . . . 486
 transfer from, to appropriation for the
 Alarm, . . . 438, 468
 transfer from, to appropriation where there
 is no establishment, . . . 460, 463, 645, 732
 establishment of, to be continued, . . . 270
 Castle William:
 chaplain at, allowance to, 126, 277, 476, 525, 653
 establishment of wages of men at, . . . 78
 fire-engine to be provided for, . . . 541
 fuel, etc., for men in barracks at, to be pro-
 vided, . . . 630
 garrison at, relative to augmentation of, . . . 39
 lieutenant at, allowance to, 126, 266, 476, 586, 652
 ordnance and stores for, relative to, . . . 611

FORTS — *continued.*

Castle William — *continued.*

spirituous liquors used at, no excise to be paid
 on, . . . 758

Fort Brunswick:

pay and subsistence allowed men at, . . . 143, 211
 to be dismantled, . . . 232

Fort Cumberland (Nova Scotia):

allowance on account of loss of time, wounds,
 etc., while in service at:
 to William Thayer, . . . 604
 commissaries at, allowance to, . . . 746
 Jeremiah Day, ensign at, allowed part of his
 wages, . . . 558
 Lieut. John Trumbal at, allowed part of his
 wages, . . . 558
 wages for services at, allowed Henry Gale, . . . 618

Fort Edward:

wages due Daniel Bishop, a soldier at, al-
 lowed, . . . 279
 wages due John Pitman, a soldier at, allowed, 299

Fort Frederick (Pemaquid):

men to be posted at, to take care of warlike
 stores, . . . 405, 513
 pay and subsistence allowed men at, 143, 211,
 232, 328, 381
 to be dismantled, . . . 673

Fort Halifax (Taconick):

William Lithgow, commander at:
 additional allowance to, . . . 420
 allowance to Ebenezer Bacon for services in
 building, . . . 102
 allowance to Dr. John Calef for care of sick
 soldiers at, . . . 57
 bounty for soldiers enlisting at, . . . 145, 263
 establishment for the forces at, to be con-
 tinued, . . . 232
 Indian truck-trade at, bill to be brought in
 for providing, . . . 691
 men to be enlisted or impressed for, relative
 to, . . . 398
 new establishment at, . . . 673
 officers and soldiers under Capt. Joseph In-
 gersoll employed in transporting stores
 to, relative to pay of, . . . 166
 pay and subsistence allowed men at, 139, 143, 211,
 328, 405, 512
 relative to the discharge of 16 men at, . . . 432
 relative to wages of soldiers at, . . . 139

Fort Massachusetts:

establishment for the forces at, to be con-
 tinued, . . . 232
 garrison at, to be dismissed, . . . 416
 pay and subsistence allowed men at, 48, 143, 211,
 328

Fort Pownall (*see* Fort at Penobscot):

Indian truck-trade at, bill to be brought in
 for providing, . . . 691
 new establishment at, . . . 673
 pay and subsistence for men at, . . . 405, 512

Fort Western:

James Howard, soldier at, allowed pay of a
 lieutenant, . . . 115
 soldier in service at, taken captive, allowance
 to, . . . 650

Fort William Henry:

allowance for victualling soldiers at, . . . 144
 allowance on account of loss of time, wounds,
 etc., while in service at:
 to David Thompson, . . . 144

FORTS — continued.**Fort William Henry — continued.**

allowance to John Martyn for services at, . . . 74
 forces under Col. Joseph Frye in defence of,
 two months' additional wages allowed, . . . 135
 militia for the relief of, relative to making up
 muster-rolls by officers of, . . . 141
 provisions to be provided for soldiers from, . . . 51
 soldiers taken captive at or near, allowance
 to, 59, 224, 259, 262, 280, 314, 315 *bis*, 358,
 359, 435, 438, 457, 467, 485, 506, 539, 666,
 673, 720, 738, 753

soldiers who went for the relief of:
 establishment of pay and subsistence of, . . . 218
 wages due, allowed, 393, 498, 532, 534, 579, 669,
 739

wages due and subsistence allowed William
 Harvey, a soldier at, . . . 290
 wages due for service at, allowed:
 to Amos Putnam, . . . 139

Fort at Penobsco (see Fort Pownall):

amount of provisions allowed men at, . . . 329
 pay and subsistence for garrison at, . . . 381
 relative to building, . . . 296, 381
 troops who built, allowance to deputy com-
 missary for, . . . 490
 wages of officers during the building of, es-
 tablished, . . . 327

Fort at Stockbridge:

allowance to several persons for building, . . . 458

George's Fort:

establishment for forces at, to be continued, 232
 pay and subsistence allowed soldiers at, 211, 328,
 381
 wages due soldiers for service at, allowed, 354, 550

Herkerman's Fort:

wages due Hopestill Bradley for service at,
 allowed, . . . 345

St. George's Fort:

Urian Angier to be posted as supernumerary
 at, . . . 424
 to be dismantled, . . . 673

FRAMINGHAM, Town of.

pay and subsistence allowed men at, . . . 328

FRANCE.

captives taken to, 358, 462, 672, 679 *bis*, 680,
 717 *bis*, 718

FRANKFORT, Township of.

pay and subsistence allowed men at, . . . 211, 328

FRAUDS.

committed against the government, committee
 to inquire into, . . . 405, 225
 committed in making up muster-roll, Capt.
 John Smith to be prosecuted for, . . . 24
 Pearson Eaton to be prosecuted for, relative to
 his wages, . . . 25
 practised by Peter Febro in obtaining wages
 belonging to soldiers, relative to, . . . 192

FREDERICK, FORT (Pemaquid).

men to be posted at, to take care of warlike
 stores, . . . 405, 513
 pay and subsistence allowed men at, 143, 211, 232,
 328, 381
 to be dismantled, . . . 673

FREETOWN, Town of.

abatement of taxes in, . . . 521
 sale of Indian lands in, relative to, . . . 85

FRENCH NEUTRALS.

allowance to Duncan Campbell for subsistence,
 etc., of five children of, . . . 14

FRENCH NEUTRALS — continued.

allowance yearly to Thomas Hutchinson, for
 care of, . . . 176
 certain, family to be transferred to South-
 borough, . . . 78
 certain, in Needham, to be removed, . . . 116
 certain, in Stoughton, to be removed, . . . 116
 complaints of, report of committee on, . . . 125
 distribution of, in towns:

in Essex County:
 report of committee on, . . . 737

in Middlesex County:
 account of committee on, allowed, . . . 766

in Suffolk County:
 account of committee on, allowed, . . . 698

in Worcester County:
 account of committee on, allowed, . . . 697

appointment of committee on, . . . 574
 committee relative to, . . . 760

in Barnstable County:

John Beaudrie, to be supported by said county, 736

in Billerica, to be removed, . . . 429

in Boxford, to be removed, . . . 117

in Dorchester, family of, to be supplied with
 beds, etc., . . . 245

in Easton:

Charles Muis and family, to be provided for, 385

in Holliston:

certain family of, to be taken care of by the
 selectmen, . . . 132

relative to, . . . 132

to be removed, . . . 157

in Leicester, to be removed, . . . 196

in Marshfield, to be removed, . . . 191

in Milton:

to be transferred to Hull, . . . 386

to be transferred to Wrentham, . . . 226

in Sherborn, relative to the removal of, . . . 78

in the several counties:

relative to the apportionment of, etc., 530, 547,
 553, 697

lists of, in the towns:

time extended to make, . . . 480

to be returned to office of Secretary, . . . 400, 417

John Muis and family:

house to be provided for, . . . 532

in Methuen to be transferred to Gloucester, 499

relative to the residences of, etc., . . . 620

son of Jacques Leblanc, allowed to reside in
 the Province, . . . 208

support of, relative to, . . . 142, 163, 222

Peter Trahan, petition of, relative to a watch,
 referred, . . . 357

transfer from appropriation for forts and gar-
 risons, to appropriation for support of, 486

women and children, from Nova Scotia, to be
 sent away, . . . 236

FRONTIERS.

soldiers for defence of, relative to the subsist-
 ence of, . . . 135

wages due William Brabrook, a soldier on, al-
 lowed, . . . 260

FRONTIERS, EASTERN.

establishment of forces on, relative to, 28, 50, 67,
 143, 211, 232, 270, 328, 370, 405, 512, 593

Capt. John Smith, commander of a scouting
 company on, to be prosecuted, . . . 24

FRONTIERS, WESTERN.

allowance to soldiers taken captive while in
 service on, . . . 267

FRONTIERS, WESTERN — continued.

captain of a ranging company on, allowance to, 734
 establishment of forces on, relative to, 28, 48, 67,
 143, 211, 232, 270, 328, 370, 522

G.**GARRISONS.**

at Colrain, relative to, . . . 143, 211, 232, 328, 522
 at Fort Pownall, new establishment for, . . . 673
 at Stockbridge, usual establishment allowed for, 357
 Burk's, at Falltown, relative to, 143, 211, 232, 328,
 522
 Burton's, relative to, . . . 211, 232, 328, 512
 Goodrich's, at Pontoosuck, relative to, 48, 211, 328
 Gutteridge's, at Pontoosuck, relative to, . . . 143
 Hawk's, at Charlemont, relative to, 48, 143, 211,
 232, 328, 522
 Henderson's, relative to, . . . 211, 232, 328, 512
 Morrison's, at Colrain, relative to, . . . 232
 new, built by Jones and others, relative to, 211, 328
 Rice's, at Charlemont, relative to, 48, 98, 211, 232,
 328, 522
 Sheldon's, at Falltown, relative to, 143, 211, 232,
 328, 522
 Taylor's, at Charlemont, relative to, 48, 143, 211,
 232, 328, 522
 Williams', at Pontoosuck, relative to, 48, 143, 211,
 328

GENERAL ASSEMBLY.

chaplain of, allowance to, . . . 476, 652
 expenses incurred in attending, allowance for:
 to Edward Bacon, . . . 702
 to Andrew Rees, . . . 34
 to extend vote of thanks to the Lieut. Gov.,
 Council and General Assembly of New
 York for their donation, . . . 594
 vote of, extending thanks to Benjamin Lynde, 257
 Aaron Willard ordered to attend, to answer
 charges, . . . 352
 Capt. Isaac Wyman and Seth Hudson ordered
 to attend, . . . 603, 679

GEORGE'S FORT.

establishment for forces at, to be continued, . 232
 pay and subsistence allowed soldiers at, 211, 328,
 381
 wages due soldiers for service at, allowed, 354, 550

GEORGE'S RIVER (truck-house).

pay and subsistence allowed soldiers at, . . . 405

GERMANTOWN (part of Braintree).

managers of lottery in, allowed use of the Rep-
 resentatives' room, . . . 141

GLOUCESTER, Town of.

French Neutrals to be transferred to, . . . 499
 selectmen of, to provide a house for John Muis, 532

GOODRICH'S GARRISON.

at Pontoosuck, relative to, . . . 48, 211, 328

GORE.

of land annexed to District of Charlton, . . . 15

GOVERNMENT SECURITIES.

committee to burn, relative to, . . . 37, 44, 147, 227,
 229, 242, 387, 401, 623, 624

GOVERNOR.

Jonathan Belcher:
 lands laid out to, in District of Westminster,
 assessment of taxes on, . . . 483, 587
 Francis Bernard:
 allowance to, for expenses, . . . 617
 committee on reception of, etc., . . . 522

FUEL.

for men in barracks at Castle William, to be
 provided, . . . 630

GOVERNOR — continued.**Francis Bernard — continued.**

desired to raise 3,000 men, . . . 721
 to order the enlistment of men to complete the
 crew of Province Ship King George, . . . 745
 to order uniforms, . . . 731
 to put the sloop, commanded by Capt.
 Saunders, at the disposition of Prof.
 John Winthrop, . . . 764

Thomas Pownall:

allowance to:
 for services, . . . 390, 545
 for transportation, . . . 54
 not to order Province Ship King George to
 Great Britain, but to cruise on coast, . 540
 reception of, report of committee on, . . 40
 table of, Commissary General to provide
 for, . . . 330
 to appoint a courier for Canada expedition, . 198
 to appoint a day of public fast, . . . 374
 to appoint a day of Thanksgiving, . . . 420
 to appoint persons to provide for the relief,
 etc., of sick soldiers on their return
 home, . . . 231
 to direct the colonels to make returns relative
 to the Quakers in their regiments, . . 358
 to dismantle Brunswick Fort, etc., . . . 232
 to dismiss garrison at Fort Massachusetts, . 416
 to give directions for delivering powder and
 lead to soldiers in garrison and scouting, 167
 to give orders:
 for Urian Angier to be posted as supernu-
 merary at St. George's Fort, . . . 424
 for enlisting men at Fort Halifax and at
 Cushnoc, . . . 263
 for enlisting men at Louisburg and Nova
 Scotia, etc., . . . 556
 for men to be raised by enlistment for
 Western frontiers, . . . 48
 for powder, etc., to be sent for garrison at
 Pearson and Hobbstown, . . . 50
 for the impressment of seamen for Province
 Ship King George, . . . 334
 relative to providing bayonets, . . . 511
 relative to the dismissal and enlistment of
 men at Fort Halifax, . . . 139, 432
 relative to the enlistment and dismissal of
 men:
 at store-house at Cushnoc, . . . 136
 to send ammunition to blockhouse at West
 Hoosac, . . . 60
 to the Commissary General to deliver box
 of instruments for Canada expedition, 545
 to the Commissary General to dispose of
 Province stores, . . . 197
 to issue:
 commissions to persons enlisting the great-
 est number of men, . . . 567
 warrant for payment of officers and crew of
 the Province Ship King George, etc., . 114
 to order Commissary General to provide fire
 engine for Castle William, . . . 541

GOVERNOR — continued.Thomas Pownall — *continued.*

- to order the Province Ship King George to go to Great Britain, ... 508
- to write to Gen. Abercrombie relative to provisions for the troops returning home from Canada expedition, ... 236
- to write to Gen. Amherst relative to soldiers detained at Louisburg and Nova Scotia, 506

GOVERNOR OF NOVA SCOTIA.

- accounts of support of French Neutrals to be delivered to agents of, ... 142

GRAFTON OR HASSANIMISCO INDIANS.

- guardians of, re-elected, ... 241
- trustees of:
 - accounts allowed, ... 10, 217, 369, 570

GRAMMAR SCHOOL.

- in Ipswich, sale of land for use of, ... 750

GRANT, PARLIAMENTARY.

- committee on instructions to Agent Bollan, relative to, ... 263, 268
- to re-imburse the Province for the expenses incurred by the last year's campaign, . . 298

GRANTS.

- appropriation for:
 - transfer from, to appropriation for pay of the forces on the late Alarm, ... 382
 - transfer from, to appropriation where there is no establishment, ... 152

GREAT BRITAIN.

- beaver re-imported from, relative to, ... 20

GREEN BUSH ON HUDSON RIVER.

- hospital to be built at, ... 394

GREENFIELD, District of.

- certain amount allowed, for the inhabitants of, 104
- pay and subsistence allowed men at, . . 211, 328

GRIST-MILL.

- in Natick, relative to, ... 507

GUARD.

- coast, Province ship and snow for, one month's advance wages to officers on, ... 12
- Province Ship King George, to, the coast, . 540

GUARDIANS.

- allowance to, for expense in bringing home Ebenezer Martin, a soldier, ... 747
- complaints of Joseph Pagan and others, Indians, against their, relative to, ... 221
- impowered to sell land belonging to a certain Titticut Indian, ... 485
- impowered to sell minor's interest in real estate, 76, 77, 91, 300, 523
- Ebenezer Nichols, impowered to sell an interest in real estate, ... 86
- of Dudley Indians:
 - appointment of, ... 693
 - re-elected, ... 241
- of Grafton or Hassanimisco, re-elected, . . 241
- of Indians in Barnstable, re-elected, . . . 241
- of Indians in Eastham, re-elected, ... 241
- of Indians in Falmouth, re-elected, ... 241
- of Indians in Harwich, re-elected, ... 241
- of Indians in Middleborough, re-elected, . . 241
- of Indians in Pembroke, re-elected, ... 241
- of Indians in Plymouth County:
 - directions to, relative to proceeds from sale of land belonging to Thomas and Israel Felix, ... 532
 - impowered relative to appropriating the proceeds from sale of land belonging to Patience Thomas and others, ... 70

GUARDIANS — continued.

- of Indians in Sandwich, re-elected, ... 241
- of Indians in Yarmouth, re-elected, ... 241
- of Martha's Vineyard Indians, re-elected, . 241
- of Mashpee Indians:
 - account of, allowed, ... 171
 - re-elected, ... 241
- of Mattakeset Indians:
 - account of, allowed, ... 281, 758
- of Middleborough Indians:
 - to assist in exchanging land, ... 618
- of minors:
 - impowered to sell land, 25, 52, 55, 66, 76, 77, 91, 112, 132, 151, 179, 285, 286, 300, 304, 414, 427, 433, 459, 496, 511, 513, 529, 533, 539, 541, 546, 576, 580, 582, 592, 633, 634, 641, 665, 702, 711, 713, 741, 754
 - Oliver Moore, impowered to relinquish right to land, ... 94
 - impowered to sell or exchange land, ... 325
 - with others, impowered to sell lands, 75, 294, 518, 539
- of Nantucket Indians, re-elected, ... 241
- of Natick Indians:
 - re-elected, ... 241
 - to assist in sale of land, 69, 209, 216 *bis*, 217, 371, 383, 415 *bis*, 754
- of persons non compos:
 - Caleb Kingsbury, impowered to sell land, . . 369
 - Zebulon Leonard, impowered to sell lands, . 445
 - Nathaniel Low, impowered to sell real estate, 180
 - Cornelius Putnam, impowered to sell land, . 666
 - Jonathan Russell, impowered to sell lands, . . 83
 - Samuel Swift, impowered to sell real estate, 733
 - Thomas White, impowered to sell land, . . . 186
 - Daniel Forbush, with administratrix of Solomon Wood impowered to sell land, . . 267
- of Puncapaug Indians:
 - account allowed, ... 230, 393, 547
 - impowered to sell land, etc., ... 178, 230
 - re-elected, ... 241
 - to pay claim of Nelson Finney with interest, ... 88
- of the heirs of William Brownell impowered to sell a quarter part of a saw mill, ... 649
- of Titticut Indians:
 - accounts of, allowed, ... 389
- of Anna Whetcomb impowered to sell real estate, ... 31
- Cornelius Putnam, impowered to sell land, . . 552
- Thomas Skelton, jr., impowered to sell real estate, ... 545
- to grandchildren of Ebenezer Nichols allowed to invest proceeds from sale of lands, in certain other lands, ... 509
- Joseph Wood, allowance to, for sickness expenses of a soldier in Canada expedition, ... 571

GUNS.

- allowance to Commissary General to purchase arms, ... 356
- amount stopped out of wages of soldiers for, allowed, 11 *bis*, 13, 17, 30 *bis*, 35 *bis*, 39, 47, 49 *bis*, 58, 62, 74, 91, 92 *bis*, 101, 102, 111, 124, 136 *bis*, 137, 138, 149, 169, 218, 219, 273, 282, 369, 370, 390, 392, 440, 445, 450, 462, 467, 469, 478, 479, 484, 486, 491, 492, 498 *bis*, 499, 502, 513, 548, 550, 585, 591, 599, 626, 627, 629, 670, 673, 681, 683, 684, 685, 695, 696, 714, 715, 755

GUNS — *continued.*

belonging to Solomon French to be delivered
to his administrator, ... 18
etc., to be sent for garrison at Pearson and
Hobbs town, ... 50
furnished by soldiers in Crown Point expedition,
allowance for the use of, 16, 18, 34, 62,
63 *bis*, 92, 102, 113, 137, 182
lost, in Canada expedition, allowance for, . 631

GUNS — *continued.*

lost, in Crown Point expedition, allowance for, 29,
37, 120, 161, 214, 274, 589
lost in public service, 261, 517, 594, 636, 656, 695,
733
relative to the return of arms, ... 89, 166, 247
GUTTERIDGE'S GARRISON.
at Pontoosuck, inhabitants to serve as soldiers
at, ... 143

H.

HADLEY, Town of.

taxes in, relative to, ... 402

HALIFAX.

passage to, for women and children from Provi-
dence, to be provided, ... 297
wages due for service at, allowed:
to administrator of Gideon Ellis for his son
Seth Ellis, ... 733
to Nathaniel Fish for his servant, John Rich-
ards, ... 733
to widow of Thomas Price, ... 727

HALIFAX, FORT (Taconick).

William Lithgow, commander at:
additional allowance to, ... 420
allowance to Ebenezer Bacon for services in
building, ... 102
allowance to Dr. John Calef for care of sick
soldiers at, ... 57
bounty for soldiers enlisting at, ... 145, 263
establishment for the forces at, to be con-
tinued, ... 232
Indian truck-trade at, bill to be brought in for
providing, ... 691
men to be enlisted or impressed for, relative
to, ... 398
new establishment for, ... 673
officers and soldiers under Capt. Joseph Inger-
soll employed in transporting stores to,
relative to pay of, ... 166
pay and subsistence allowed men at, 139, 143, 211,
328, 405, 512
relative to the discharge of 16 men at, ... 432
relative to wages of soldiers at, ... 139

HAMPSHIRE COUNTY.

appointment of French Neutrals in, report of
committee on, ... 553
collector of excise for, chosen, ... 324, 500, 705
court of general sessions in, impowered to grant
a jury, ... 472, 473
farmers of excise in:
committee to choose, ... 121, 252, 421, 688
inferior court and court of general sessions in,
adjournment of, ... 693
justices of court of general sessions in, im-
powered to grant a license, 326, 341, 444,
451, 672, 721, 727
justices of court of general sessions in, im-
powered to hear and determine case, ... 388
Province lands in, relative to, ... 392
relative to sale of two townships in, ... 553
soldiers belonging in, returning home, subsist-
ence money allowed, ... 119, 342
unappropriated lands in:
granted and confirmed to Joseph Barker, 188, 347
grant of, to Asa Hill, ... 249

HANOVER, Town of.

to pay a certain sum to Sylvanus Wing, ... 751

HARPSWELL, District of.

Nehemiah Curtis and John Snow impowered
to collect taxes in, ... 635

HARVARD COLLEGE.

president of, allowance to, ... 129, 264, 473, 736
professor of divinity at, allowance to, 129, 264, 475,
735
professor of Hebrew at, allowance to, 128, 294, 475
professor of mathematics at, allowance to, 128, 265,
475, 735

HARWICH, Town of.

Indians in, guardians of, re-elected, ... 241
South precinct in, collector of taxes to be
chosen in, ... 87

HASSANIMISCO INDIANS. (*See* Grafton In-
dians.)**HATFIELD**, Town of.

common lands in, relative to sale of rights in, 367

HAWK'S GARRISON.

at Charlemont, relative to, 48, 143, 211, 232, 328,
522

HENDERSON'S GARRISON.

establishment for, to be continued, ... 232
men at, pay and subsistence allowed, 211, 328, 512

HERKMAN'S FORT.

wages due Hopeskill Bradley for service at,
allowed, ... 345

HIGHWAYS.

certain, annexed to District of Palmer, ... 757
from Deerfield to Sunderland, relative to, 388, 472
in Westborough, relative to, ... 749

HOLDEN, Town of.

tax on unimproved lands of non-residents in,
relative to, ... 74, 158
vote of proprietors of, ratified, ... 344

HOLLISTON, Town of.

certain French Neutral family in, relative to the
care of, ... 132
certain French Neutrals in, to be removed, ... 157

HORSE.

lost in service, allowance for, ... 173

HOSPITAL STORES.

at Fort Cumberland and Annapolis, allowance
for care of, ... 746
to be provided for the forces, ... 303, 333

HOSPITALS.

at Green Bush to be built, ... 394
at Sheffield, allowance to Anthony Austin for
expenses incurred by sickness of son
at, ... 23
care of sick soldiers at the King's, relative to
payment for, ... 514
in Boston, messuage and land to be purchased
for, ... 493
Brig. Gen. Ruggles to provide, for sick or
wounded soldiers, ... 557
to be provided for the forces, ... 303

HOUSE OF REPRESENTATIVES.

allowance for travelling expenses to witnesses	
in attending, ...	260, 261
chaplain of, allowance to, ...	127, 266
clerk of:	
allowance to, 127, 190, 266, 476, 652, 757, 765	
witnesses summoned by, in suit of Solomon	
Whitney against Capt. Zedediah Stone,	
relative to pay of, ...	153
list of members of, ...	4, 204, 364, 562
speakers of, allowance to, ...	127, 265, 476, 652

HOUSE OF REPRESENTATIVES — continued.

Capt. Isaac Wyman and Seth Hudson ordered	
to attend, ...	526

HOUSE, PROVINCE.

repairs on, relative to, ...	63
stable belonging to, to be repaired, ...	619

HULL, Town of.

assessment in, etc., declared valid, ...	300
French Neutrals to be transferred to, ...	386

HUNTSTOWN, Township of.

pay and subsistence allowed men at, ...	211, 328
---	----------

I.**IMPORTS.**

beaver, ...	20
-------------------	----

IMPOST.

commissioners of:	
instructions to, relative to duty on beaver, ...	20
relative to bonds to be given by any master,	
etc., to, ...	12

IMPRESSMENT.

inhabitants of Provincetown to be exempt	
from, ...	11
of seamen for Province Ship King George, ...	334
of vessels for transportation of cattle, etc., ...	408

IMPRISONMENT.

relative to, of Josiah Loomis, deputy-sheriff, ...	108
--	-----

INDENTURE.

persons appointed to execute, between Andrew	
Oliver and Adam Winthrop, ...	535

INDIAN CORN.

to be ground for the Indians toll free, ...	507
to be supplied to inhabitants of Broadbay, ...	50

INDIAN LANDS.

at Mattakeset (Pembroke), relative to, ...	70
deeded to Rev. Gideon Hawley, ...	257, 313
deeded to Timothy Woodbridge, ...	275
in Middleborough, relative to the exchange	
of, ...	618
persons purchasing, contrary to law, to be	
prosecuted, ...	482
relative to sale of, 69, 85, 92, 178, 209, 216 <i>bis</i> , 217,	
230, 355, 371, 383, 415 <i>bis</i> , 485, 536, 663, 754	

INDIAN SCALPS.

bounty allowed for, ...	13
-------------------------------	----

INDIAN TRUCK-TRADE.

accounts of Commissary General John Wheel-	
wright on:	
allowed, ...	442
report of committee on, ...	377, 378
at Fort Halifax, bill to be brought in providing	
for, ...	691
at Fort Pownall, bill to be brought in providing	
for, ...	691

INDIANS.

allowance to Joseph Metark, for services as a	
soldier, ...	730
Cagnawaga:	
allowance to Mary Sedauda, for clothing, ...	157
Chappaquiddick:	
petition of, relative to their rights, etc., ap-	
pointment of committee on, ...	706
Dudley:	
complaints of certain, against their guardians,	
relative to, ...	221
guardians of:	
appointment of, ...	693
re-elected, ...	241

INDIANS — continued.

Grafton or Hassanimisco:	
guardians of, re-elected, ...	241
trustees of, accounts allowed, 10, 217, 369, 570	
Martha's Vineyard:	
guardians of, re-elected, ...	241
Phillip Metack, a soldier and captive, allow-	
ance to, ...	262
Mashpee:	
guardians of:	
account of, allowed, ...	171
re-elected, ...	241
impowered to execute a deed of land to Rev.	
Gideon Hawley, ...	257, 313
Mattakeset:	
guardians of, account of, allowed, ...	281, 758
Middleborough:	
Israel Felix and Isaac Baker impowered to	
exchange lands, ...	618
guardians of, re-elected, ...	241
Nantucket:	
guardians of, re-elected, ...	241
Natick:	
guardians of, re-elected, ...	241
impowered to sell land:	
administrator of estate of Samuel Tobumso, 209	
Leah Chalcom and others, ...	415
John Ephraim, ...	754
Joshua Ephraim, ...	383
Cæsar Ferrit, ...	69, 216
Nathaniel Hill, ...	371
Nathaniel and Patience Hill, ...	216
Sarah Rumney-marsh, ...	415
Sarah Tray, ...	217
Puncapaug:	
guardians of:	
account allowed, ...	230, 393, 547
impowered to sell, etc., ...	178, 230
re-elected, ...	241
to pay claim of Nelson Finney with interest, 88	
Six Nations:	
education of children of Indians of, relative	
to, ...	60
Stockbridge:	
impowered to sell land:	
Jacob Cheeksaunkun, ...	92
Isaac Waunumpek and others, ...	355
Timothy Woodbridge allowed to receive a	
deed of land from, ...	275
Stoughton:	
medical attendance on, etc., allowance for, ...	332
Titticut:	
guardians of, account allowed, ...	389
in Barnstable:	
guardians of, re-elected, ...	241

INDIANS — continued.

in Eastham:	
guardians of, re-elected, ...	241
and in Harwich, relative to complaints of, 159, 276	
in Falmouth:	
guardians of, re-elected, ...	241
in Harwich:	
guardians of, re-elected, ...	241
in Middleborough:	
guardians of, re-elected, ...	241
in Pembroke:	
guardians of, re-elected, ...	241
in Plymouth County:	
guardians of, directions to, relative to proceeds from sale of land belonging to Thomas and Israel Felix, ...	532
guardians of, impowered relative to appropriating the proceeds from sale of land belonging to Patience Thomas and others, 70	
in Sandwich:	
guardians of, re-elected, ...	241
in Yarmouth:	
guardians of, re-elected, ...	241
relative to wages of certain, in the service, ...	600

INNKEEPERS.

accounts of, for billeting soldiers, allowed, ...	137
Gideon Gardner, prosecution against, to be withdrawn, ...	330
licenses granted to the following persons as:	
Azuba Adams, Springfield, ...	709
James Barrett, Malden, ...	303
John Bartlet, Plymouth, ...	187, 207
Samuel Bass, jr., Braintree, ...	340
William Bennet, Boston, ...	239
Benjamin Bigelow, Cambridge, ...	82
Luke Blashfield, Brimfield, ...	444
David Bradley, jr., Haverhill, ...	433
Mary Brown, Waltham, ...	403
William Bryant, Reading, ...	255
William Carnachan, Blandford, ...	727
Elijah Cobb, Taunton, ...	21
Gayer Coffin, Boston, ...	240
Joshua Crossman, Hopkinton, ...	93
Abigail Cutler, Brookfield, ...	274
Sarah Cutler, Western, ...	747
James Daggett, Rehoboth, ...	171
Ichabod Dexter, Payquage, ...	441
Josiah Drury, Framingham, ...	262
Sarah Edes, Boston, ...	763
Levi Ely, Springfield, ...	326
Hugh Floyd, Medford, ...	359
Elisha Fuller, Newton, ...	148
Benjamin Furnass, Shrewsbury, ...	717
Aaron Graves, Palmer, ...	672
Daniel Hale, Newbury, ...	451
Thomas Holmes, Marshfield, ...	174
Capt. Joshua Hutchins, Lunenburg, ...	194
Cushing Kilby, Hingham, ...	528
Samuel Lee, Sheffield, ...	721
Abner Leland, Medford, ...	175
Josiah Lock, Westborough, ...	529
Sarah Newhall, Malden, ...	493
David Osgood, Billerica, ...	707
Joseph Parker, Falmouth (York County), ...	111
Nathaniel Pease, Blandford, ...	341
Jeremiah Pecker, Haverhill, ...	622
Aphia Porter, Danvers, ...	439
Tyler Porter, Wenham, ...	409
Hepzibah Raymond, Lexington, ...	614
Obadiah Sawtell, Shirley, ...	251

INNKEEPERS — continued.

licenses granted, etc. — continued.	
Ann Stone, Hopkinton, ...	302
Othniel Taylor, Charlemont, ...	451
Benjamin Tucker, jr., Leicester, ...	761
John Waite, Brookfield, ...	752
Sarah Wethered, Boston, ...	240
Samuel Whitcomb, Dighton, ...	568
Noah Wyman, Woburn, ...	711
rate per day allowed, for entertaining regular soldiers, ...	291
to render accounts for subsisting soldiers, ...	154

INSOLVENT ESTATES.

of Joseph Bridgham, ...	669
of Joseph Clark, ...	589
of Edmund Greenleaf, ...	134
of Andrew Harper, ...	207
of Josiah Hatch, ...	482
of William Johnson, ...	151
of Dudson Kilcup, ...	38
of Isaac Little, ...	72
of James Lockhart, ...	195
of Paul Pease, ...	400
of Jonathan Shead, ...	172
of John Staniford, ...	535
of Abiel Walley, ...	398
of Col. Thomas Westbrook, ...	114

INSTRUCTIONS.

to Agent Bollan:	
committee to prepare, ...	263
report of committee on, ...	268
to commissioners appointed to meet commissioners from other governments, report of committee on, ...	140

INSTRUMENTS.

box of, to be delivered for use of Canada expedition, ...	545
---	-----

INTERPRETER.

Walter McFarland, at St. George's, allowance to, ...	125
--	-----

INTESTATE, ESTATES.

of Benjamin Atwood (also insolvent), ...	447
of Joseph Barrett, ...	467
of Richard Bill, ...	104
of Joshua Bowers, ...	185
of Robert Butterfield, ...	307
of John Carnes, ...	606
of Joseph Chaffee, ...	644
of William Chamberlain, ...	375
of Preserved Clap, ...	302
of Silas Fay, ...	401
of John Glover (also insolvent), ...	507
of Andrew Harper, ...	15
of Robert Holland (also insolvent), ...	504
of Allan Melvill, ...	759
of John Nichols, ...	531
of Jonathan Page, ...	284
of Thomas Porter, ...	516
of Ebenezer Ramsdell, ...	123
of Benjamin Shed, jr., ...	710
of Henry Smith, ...	683
of Samuel Taylor, 2d, ...	409
of Brig. Samuel Waldo, ...	505
of Moses Woods, ...	288
of Ebenezer Wyman, ...	418

IPSWICH, Town of.

sale of land in, for use of a grammar school, ...	750
---	-----

IPSWICH-CANADA, Township of.

house-lot in, Elisabeth Martin, administratrix, impowered to execute deed of one-third part of, ...	438
---	-----

J.

JAIL.

- in Springfield, expenses for conveying prisoners
to, allowed, ... 132

JUDGE OF PROBATE.

- for Essex County:
impowered to appoint a committee to divide
an estate, ... 481
impowered to appoint persons to appraise
estates, ... 546
for Plymouth County:
impowered to grant further time to creditors
for entering claims, against an insolvent
estate, ... 482
for Suffolk County:
authorized relative to the division of an estate, 298
impowered to settle estate upon Ebenezer
Bird, ... 714
impowered to take bond of Royal Tyler,
executor, ... 268
for Worcester County:
impowered to allow more time for entering
claims against an insolvent estate, . 207
for York County:
impowered to allow more time to commis-
sioners receiving claims against an es-
tate, ... 209

JUDGMENT.

- by default, ... 150, 283, 350, 390
given against Abiel Smith and others, . . 214
petition of William Gregory to correct a mis-
take of fact in, order of notice on, . 45
petition to review a, ... 312
petition to set aside, ... 423, 455
to be reconsidered, ... 670

JURY.

- court of general sessions in Hampshire County
impowered to grant a, ... 472, 473

JUSTICES.

- Bristol County:
of court of general sessions in, impowered to
grant a license, ... 21, 171, 563
of inferior court in, impowered to hear and try
case, ... 150
of superior court of judicature, etc., in, im-
powered to hear and determine action, 390,
750
of superior court of judicature, etc., in, im-
powered to receive referees' report, etc., 19

JUSTICES — continued.

- Essex County:
of court of general sessions in, impowered to
grant a license, . 159, 409, 433, 451, 622
Hampshire County:
of court of general sessions in, impowered to
grant a license, 326, 341, 444, 451, 672, 721,
727
of court of general sessions in, impowered to
hear and determine case, ... 388
Middlesex County:
of court of general sessions in, impowered to
grant a license, 82, 93, 148, 149, 175, 185,
251, 255, 262, 302, 303, 310, 359, 403, 711
of inferior court in, impowered to hear and
try action, ... 99
Plymouth County:
of court of general sessions in, impowered to
grant a license, ... 174, 187, 701
Suffolk County:
of court of general sessions in, impowered to
grant a license, 97, 112, 175, 176, 194,
239 *bis*, 240 *bis*, 272 *bis*, 273, 295, 340, 528,
693, 763
of superior court in, impowered to hear and
try an action, ... 95, 182, 453, 642
of Worcester County:
of court of general sessions in, impowered to
grant a license, 194, 274, 441, 529, 717, 747,
752, 761
of inferior court in, impowered in regard to
entering actions, ... 48
of inferior court in, impowered to try action, 283
York County:
of court of general sessions in, directed to pro-
vide for two children of John Clark, . 162
of court of general sessions in, impowered to
grant a license, ... 111
of superior court in, impowered to admit ad-
ministrators of estate of Brig. Samuel
Waldo, in certain law suits, ... 505
of superior court in, impowered to hear and
try action, ... 455
chief, allowance to, ... 129, 264, 474, 735
of inferior court, impowered to reconsider a
judgment, ... 670
of superior court of judicature, etc., allowance
to, ... 129, 263, 474, 735

K.

KING GEORGE, PROVINCE SHIP.

- Capt. Benjamin Hallowell, jr., commander:
impressment of seamen for, ... 334, 576
allowance to William Wyer, jr., as sailmaker on, 156
Rain Curtis on, taken captive, allowance to, . 462
enlistment of men for, relative to, . . . 745, 751
establishment of allowance of provisions for
each man on, ... 158, 316
establishment of men on, sufficient, ... 673
establishment of wages of men on, 36, 155, 232, 316,
419, 430, 489

**KING GEORGE, PROVINCE SHIP — con-
tinued.**

- officers and crew of:
relative to payment of, etc., ... 114
to go to Great Britain, ... 508
to guard the coast, ... 540
KINGSTON, Town of.
town-meeting to be called at, ... 177
KNAPSACKS.
to be provided for non-commissioned officers
and soldiers, ... 313

L.

LAKE ALMIPAGON.

soldier taken prisoner to, ... 438

LAKE GEORGE.

allowance for loss of time, wounds, etc., while
in service near:
to Abraham Johnson, ... 297
gun belonging to soldier in service at, to be de-
livered to his administrator, ... 18
wages due William Evans, soldier at, allowed, 391

LANCASTER, Town of.

petition of proprietors of sundry farms between,
and Narragansett Township Number
Two, relative to, ... 295, 381

LANDS.

administrator to sell two-elevenths part of an
estate, ... 606
administratrix with guardian impowered to
sell, ... 267
assessment of taxes on:
in District of Charlton, ... 551
in District of New Salem, ... 487
in District of Westminster, ... 483, 587
in District of Prince Town, ... 584, 636
in Lunenburg, ... 320
Peter Atherton, administrator, with guardian,
impowered to sell, ... 504
belonging to John Bardwell, minor, relative to, 723
belonging to Oliver and Russell Kellog, relative
to, ... 367
Richard Clark and Katherine Gibbs impowered
to sell land, ... 613
common, in Hatfield, sale of rights in, . . . 367
common and undivided, in Holden, vote rela-
tive to tax on, ratified, ... 344
confirmation of:
rights to lands in Payquage, ... 108, 351
to Joseph Barker, ... 347
to John Farrar, ... 374
to William Lawrence, ... 552
to widow and children of Capt. Phineas
Stevens, ... 533
deed of release of mortgaged, to heirs of Isaac
Dafforne, ... 727
deeds of, certain persons impowered to execute, 46,
102, 182, 213, 214, 348, 416, 577, 583
equivalent, grant of:
to John Farrar, ... 220
to William Lawrence, ... 223
exchange of minor's shares in, granted, . . 115
formerly granted to Thomas Plaisted:
papers relative to the surrender of, etc., to be
lodged with Province Treasurer, . . . 534
William Richardson impowered to take pos-
session of, ... 428, 515
gore of, inhabitants of, to be annexed to Dis-
trict of Charlton, ... 15
grant of:
petition for, on Penobscot Bay or River, for
a township, ... 430
unappropriated, in Hampshire County:
to Joseph Barker, ... 188
to Asa Hill, ... 249
unappropriated, to Ebenezer Nichols for ser-
vice, ... 160
in Holden, relative to taxes on, ... 74, 158
in New Marblehead, relative to taxes on, . 393

LANDS — continued.

in Plymouth County mortgaged to commis-
sioners of £100,000 loan, relative to, . 17
in Taunton, laid out for a school, relative to sale
of, ... 496
in western part of this Province:
allowance to Timothy Woodbridge for ser-
vices relative to purchasing Indian, . . 90
Indian:
at Mattakeset (Pembroke), relative to, . 70
deeded to Rev. Gideon Hawley, . . . 257, 313
deeded to Timothy Woodbridge, . . . 275
relative to the purchase of, ... 482
laid out to Daniel Granger, plan of, to be re-
corded, ... 131
ministerial, in Rehoboth, relative to, . . 514
mortgaged to commissioners of £100,000 loan,
relative to, ... 7, 32
of non-residents in Narragansett Township
Number Two, relative to tax on, . . . 397
originally laid out to Samuel Kellog, relative to
the sale or exchange of, ... 325
partition of:
in Pelham belonging to estate of Rev. Jona-
than Edwards, ... 310
Province:
trespass on, in Hampshire County, relative to, 392
Capt. William Richardson impowered to de-
mand and receive, formerly granted to
Thomas Plaisted, ... 709
sale of:
belonging to Dorothy Colby, relative to, . 311
belonging to estate of John Williams, . . 638
belonging to John Nichols, relative to pro-
ceeds of, ... 664
by executor or administrator, 15, 23, 26, 27, 47 *bis*,
50, 53, 58, 61, 64, 72 *bis*, 75, 77, 80, 82, 85,
88, 90, 97, 100, 114, 117, 123, 124, 130, 131,
134, 146, 151, 152, 154, 168, 172, 181, 184,
189, 195, 219, 256, 258, 262, 269, 270,
271 *bis*, 274, 278, 283, 285, 286, 287 *bis*,
288 *bis*, 289, 291, 302, 304, 306, 307, 310,
320, 322, 326, 341, 343 *bis*, 368, 375, 389,
398, 400, 401, 403, 409, 416, 418, 442, 447,
448, 449, 457, 463, 464, 477, 501 *bis*, 502,
503, 512, 515, 516, 517, 521, 523, 527, 531,
535, 536, 537, 542, 581, 583, 589, 590, 597,
603, 615, 625, 630, 632, 633, 637, 640, 641,
644, 645, 646, 647, 648, 650, 654, 656, 659,
660, 669, 671, 683, 695, 703, 707, 709, 715,
719, 725, 744, 745, 746, 759, 764
by guardian, 25, 31, 52, 55, 66, 75, 76, 77, 83, 86,
91, 112, 132, 151, 179, 180, 186, 284, 285,
286, 294, 300, 304, 369, 414, 427, 433, 445,
459, 496, 509, 511, 513, 523, 529, 533, 539,
541, 552, 576, 580, 582, 592, 633, 641, 649,
665, 666, 702, 711, 713, 733, 741, 754
in Ipswich, for use of a grammar school, . 750
in Roxbury, bequeathed for a free school, . 648
in Stoughton, appropriated for use of a school, 732
in which minors are interested, ... 54
Indian, 69, 85, 92, 178, 209, 216 *bis*, 217, 230,
355, 371, 383, 415 *bis*, 485, 663, 754
ministerial lot of, in Deerfield, ... 472
or exchange of, belonging to minors, relative
to, ... 434

LANDS — *continued.*

Nathaniel Shurtleff impowered to sell, . . .	503
title to:	
confirmation of, to Phineas Gibbs, . . .	94
petition of Cæsar and Mercy Eson relative to, . . .	
appointment of committee on, . . .	505
West of Sheffield, certain inhabitants of, annexed to town of Sheffield, . . .	450

LAW, PERPETUAL.

of the Province:	
distribution of, relative to, . . .	728
to be reprinted, . . .	299

LEBANON, Township of.

inhabitants of, to serve as soldiers, . . .	50
pay and subsistence allowed men at, . . .	211, 328, 513

LEGISLATIVE MATTERS.

referred, 42, 68, 142, 228, 236, 299, 395, 399, 431, . . .	
494, 555, 604, 616, 703, 765	

LEICESTER, Town of.

assessors in, and District of Spencer, directions to, . . .	33, 233
certain inhabitants of, with their estates, annexed to Worcester, . . .	7, 93, 208
French Neutrals in, to be removed, . . .	196

LETTERS.

relative to, pertaining to the transportation of baggage, etc., of the Provincial forces, . . .	29
---	----

LEXINGTON, Town of.

town-meeting to be called at, . . .	190
-------------------------------------	-----

LIBEL.

defence in a case of, more time allowed to prepare, . . .	98
---	----

LICENSES.

granted to the following persons as innkeepers:

Azuba Adams, Springfield, . . .	709
James Barrett, Malden, . . .	303
John Bartlet, Plymouth, . . .	187, 207
Samuel Bass, jr., Braintree, . . .	340
William Bennet, Boston, . . .	239
Benjamin Bigelow, Cambridge, . . .	82
Luke Blashfield, Brimfield, . . .	444
David Bradley, jr., Haverhill, . . .	433
Mary Brown, Waltham, . . .	403
William Bryant, Reading, . . .	255
William Carnachan, Blandford, . . .	727
Elijah Cobb, Taunton, . . .	21
Gayer Coffin, Boston, . . .	240
Joshua Crossman, Hopkinton, . . .	93
Abigail Cutler, Brookfield, . . .	274
Sarah Cutler, Western, . . .	747
James Daggett, Rehoboth, . . .	171
Ichabod Dexter, Payquage, . . .	441
Josiah Drury, Framingham, . . .	262
Sarah Edes, Boston, . . .	763
Levi Ely, Springfield, . . .	326
Hugh Floyd, Medford, . . .	359
Elisha Fuller, Newton, . . .	148
Benjamin Furnass, Shrewsbury, . . .	717
Aaron Graves, Palmer, . . .	672
Daniel Hale, Newbury, . . .	451
Thomas Holmes, Marshfield, . . .	174
Capt. Joshua Hutchins, Lunenburg, . . .	194
Cushing Kilby, Hingham, . . .	528
Samuel Lee, Sheffield, . . .	721
Abner Leland, Medford, . . .	175
Josiah Lock, Westborough, . . .	529
Sarah Newhall, Malden, . . .	493
David Osgood, Billerica, . . .	707
Joseph Parker, Falmouth (York County), . . .	111
Nathaniel Pease, Blandford, . . .	341

LICENSES — *continued.*

granted to the following persons as innkeepers — *continued.*

Jeremiah Pecker, Haverhill, . . .	622
Aphia Porter, Danvers, . . .	439
Tyler Porter, Wenham, . . .	409
Hepzibah Raymond, Lexington, . . .	614
Obadiah Sawtell, Shirley, . . .	251
Ann Stone, Hopkinton, . . .	302
Othniel Taylor, Charlemont, . . .	451
Benjamin Tucker, jr., Leicester, . . .	761
John Waite, Brookfield, . . .	752
Sarah Wethered, Boston, . . .	240
Samuel Whitcomb, Dighton, . . .	568
Noah Wyman, Woburn, . . .	711

granted to the following persons to sell spirituous liquors:

Henry Atkins, jr., Boston, . . .	176
Elizabeth Brooks, Woburn, . . .	149
Joseph Candish, Boston, . . .	272
Henry Comeford, Gloucester, . . .	159
Benjamin Davis, Ipswich, . . .	625
Ebenezer Downe, Boston, . . .	239
John Fairservice, Boston, . . .	693
Nathan Foster, Ipswich, . . .	625
Margaret Freeman, Boston, . . .	272
Elizabeth George, Boston, . . .	273
Abigail Greenleaf, Boston, . . .	239
John Hodgkins, jr., Ipswich, . . .	625
Mary Knox, Boston, . . .	175
Margaret Love, Boston, . . .	194
Rebeckah Mansfield, Marblehead, . . .	686
Ruth Mecom, Boston, . . .	239
Phebe Procter, Westford, . . .	310
Daniel Rindge, Ipswich, . . .	625
Amos Rogers, Marshfield, . . .	701
Thomas Rudge, Malden, . . .	185
Joanna Service, Boston, . . .	295
Samuel Torrey, Boston, . . .	112
Walter Westcott, Boston, . . .	97

selling spirituous liquors without:

all process against Sarah Wethered for, stayed, . . .	281
certain persons excused from paying fine for, . . .	301

LIEUTENANT-GOVERNOR.

Thomas Hutchinson:

allowance to, for services, . . .	320, 463
to commission officers for every fifty men, . . .	576
to furnish Agent Bollan information relative to ordnance and stores for Castle William, . . .	611
to give orders:	
for the dismissal of men posted on the Western frontiers, . . .	593
for the impressment of seamen on Province Ship King George, . . .	576
to the Province Treasurer relative to advancing money, . . .	577
to have the accounts, etc., prepared and sent to Agent Bollan, . . .	601
to issue part of £80,000 for payment of portion of soldiers' wages, . . .	611

LIGHTHOUSE, BEACON ISLAND.

keeper of:

allowance to, for services, etc., . . .	94, 277, 440, 643
memorial of, relative to the wharf, . . .	301
wharf at, new one to be built, . . .	324

LINCOLN COUNTY.

collectors of excise for, chosen, . . .	705
farmers of excise in:	
committee to choose, . . .	689

LINEN.

committee relative to appointing or discharging employees in the, manufactory house, . 429

LIQUORS, SPIRITUOUS.

farmers of excise on:

bonds of delinquent, to be put in suit, . . 190
farming excise on:

committee on, report of, 8, 9 *ter*, 49, 51, 53, 279
fines for selling, certain persons excused from paying, ... 301

further time granted to Samuel Lee to enter a recognizance to sell, ... 396

licenses granted to the following persons to sell:

Henry Atkins, jr., Boston, ... 176
Elizabeth Brooks, Woburn, ... 149
Joseph Candish, Boston, ... 272
Henry Comerford, Gloucester, ... 159
Benjamin Davis, Ipswich, ... 625
Ebenezer Downe, Boston, ... 239
John Fairservice, Boston, ... 693
Nathan Foster, Ipswich, ... 625
Margaret Freeman, Boston, ... 272
Elizabeth George, Boston, ... 273
Abigail Greenleaf, Boston, ... 239
John Hodgkins, jr., Ipswich, ... 625
Mary Knox, Boston, ... 175
Margaret Love, Boston, ... 194
Rebeckah Mansfield, Marblehead, ... 686
Ruth Mecom, Boston, ... 239
Phebe Procter, Westford, ... 310
Daniel Rindge, Ipswich, ... 625
Amos Rogers, Marshfield, ... 701
Thomas Rudge, Malden, ... 185
Joanna Service, Boston, ... 295
Samuel Torrey, Boston, ... 112
Walter Westcott, Boston, ... 97

selling without license:

all process against Sarah Wethered for, stayed, ... 281
certain persons excused from paying fine for, used at Castle William, excise not to be paid on, 758

LITTLETON, Town of.

validity of taxes in, confirmed, ... 491

LOAN.

of £100,000:

books and accounts relative to, kept by commissioners in Plymouth County to be delivered into the Secretary's office, . 17
lands mortgaged to commissioners of, relative to, ... 7, 32
trustee of, impowered to discharge a mortgage, ... 684

LOTTERIES.

for supplying the treasury:

managers of:

appointment of, ... 225
to account for tickets sold, etc., ... 399
in Boston, further time allowed for drawing, . 61
in Germantown (part of Braintree):
managers of, allowed use of the Representatives' room, ... 141
in Roxbury for paving the highway, petition of Joseph Mayo relative to tickets in, ... 682

LOUDOUN, EARL OF.

companies under command of:

captains or chief officers of, additional wages allowed to, ... 170
Capt. West's, Robert Manter in, allowed pay as ensign, ... 163
Capt. West's, Josiah Thacher in, allowed pay as lieutenant, ... 163
forces under command of:
appropriation for, payment of officers and crew of Province ship King George, etc., to be paid from, ... 114
appropriation for, payment of the charge of artillery to be paid from, ... 181
relative to transportation of baggage of, . 29
returning home, allowed subsistence, . . 154
Col. Joseph Frye under command of, allowed his wages, ... 317

LOUISBURG.

commissary to be employed at, additional allowance to, ... 350
enlistment of the 500 men for service at Nova Scotia and, relative to, ... 556, 567, 597
forces of this Province at, and Nova Scotia, report of committee relative to, ... 460
sick soldiers from, to be provided for, . . 662
soldiers belonging to this Province in service at Nova Scotia and, relative to, ... 506, 661, 691
supplies to be sent to Provincial forces at, . 428
wages due soldiers at, allowed, ... 530, 579

LOUISBURG EXPEDITION.

allowance on account of loss of time, wounds, etc., while in:
to Daniel Poor, ... 351
Sir William Pepperell, Lieut.-General in:
allowance to, for expenses, ... 119
allowance to, for services, ... 119

LUNENBURG, Town of.

tax to be assessed upon unimproved lands in, belonging to non-residents, ... 320

M.

MADAMMOCK FALLS.

pay and subsistence allowed men at, . . 211, 328

MANAGERS.

of lotteries for supplying the treasury:

appointment of, ... 225
to account for tickets sold, etc., ... 399
of lottery in Germantown (part of Braintree) allowed use of the Representatives' room, ... 141

MARSHFIELD, Town of.

French Neutrals in, to be removed, . . . 191
mortgage on part of a farm in, to commissioners of £100,000 loan, relative to, ... 17

MARTHA'S VINEYARD.

ferry between Falmouth and, Philip Dexter to keep, ... 69

MARTHA'S VINEYARD INDIANS.

guardians of, re-elected, ... 241
Phillip Metack, a soldier and captive, allowance to, ... 262

MASHPEE INDIANS.

guardians of:
account of, allowed, ... 171
re-elected, ... 241
impowered to execute a deed of land to Rev. Gideon Hawley, ... 257, 313

MASSACHUSETTS BAY, PROVINCE OF.

colonels receiving money from Gen. Abercrombie for the, directions to, ...	323
perpetual laws of, to be reprinted, ...	299
reimbursement to, for expenses incurred, relative to, ...	298

MASSACHUSETTS FORT.

establishment for the forces at, to be continued, ...	232
garrison at, to be dismissed, ...	416
pay and subsistence allowed men at, 48, 143, 211, ...	328

MASSACHUSETTS, the sloop.

Capt. Thomas Saunders, master: establishment of wages on, ...	71
to be at the service of Prof. Winthrop, ...	764

MATTAKESET INDIANS.

guardians of, account of, allowed, ...	281, 758
--	----------

MATTAKESET (Pembroke).

Indian lands at, relative to, ...	70
---	----

MEDFIELD, Town of.

county tax in, portion of, to be refunded, ...	665
--	-----

MEDICINE.

allowance for, etc., for Stoughton Indians, ...	332
chest of, for each regiment, relative to, 196, 303, ...	335 bis, 524, 730
supplied for troops in the Province service, allowance for, ...	587

MEDUMCOOK, Township of.

pay and subsistence allowed men at, 211, 328, 513	
---	--

MEDWAY, Town of.

fine remitted to, ...	635
-----------------------------	-----

MEETING-HOUSES.

in Cambridge: relative to taxes for building, ...	340, 519
in District of South Hadley, committee in regard to, ...	541, 694
in Natick, relative to the moving of, ...	725

MENDON, Town of.

Quakers in, relative to taxes assessed on, ...	676
--	-----

METHUEN, Town of.

French Neutrals to be removed from, ...	499
---	-----

MIDDLEBOROUGH INDIANS.

Israel Felix and Isaac Baker, impowered to exchange lands, ...	618
--	-----

MIDDLEBOROUGH, Town of.

Indians in, guardians of, re-elected, ...	241
---	-----

MIDDLESEX COUNTY.

apportionment of French Neutrals in: account of expenses of committee on, allowed, 766 report of committee on, ...	553
collector of excise for: chosen, ...	324, 500, 705
one per cent additional allowed, ...	676
farmers of excise in: committee to choose, ...	121, 252, 421, 690
John White, appointment of, ...	251
inferior court and court of general sessions in, adjournment of, ...	150
justices of court of general sessions in, impowered to grant a license, 82, 93, 148, 149, 175, 185, 251, 255, 262, 302, 303, 310, 359, 403, 711	
justices of inferior court in, impowered to hear and try action, ...	99
soldiers belonging in, returning home, subsistence money allowed, ...	119, 342
treasurer of, account allowed, ...	14, 235, 376, 744
MIDDLETON, Town of. French Neutrals to be transferred to, ...	117

MILL.

for hulling barley, allowance to Andrew McKenzie to carry on, ...	761
---	-----

MILTON, Town of.

French Neutrals in, to be removed, ...	226, 386
--	----------

MINISTERIAL LANDS.

in Deerfield, relative to sale of, ...	472
in Rehoboth, relative to, ...	514

MINISTERS.

in Holden, relative to tax for support of, ...	74, 158
--	---------

MINISTRY.

in Cambridge, on South side of Charles River, relative to, ...	340, 756
in Provincetown, allowance for support of, 77, 613	
in Rehoboth, relative to, ...	248

MINORS.

allowance to guardian of Ebenezer Martin, a soldier, for bringing him home, ...	747
exchange of, shares in land, granted, ...	115
guardians of: Oliver Moore, impowered to relinquish right to land, ...	94
impowered to sell land, 25, 52, 55, 66, 76, 77, 91, 112, 132, 151, 179, 285, 286, 300, 304, 414, 427, 433, 459, 496, 511, 513, 529, 533, 541, 546, 576, 580, 582, 591, 592, 633, 641, 665, 702, 711, 713, 741, 754	
impowered to sell one-half of a distil-house, 668	
with others, impowered to sell lands, 75, 294, 518, ...	531, 539

lands belonging to, relative to the sale or exchange of, ...	434
trustee for, appointment of, ...	723

MCCCASINS.

to be sold, ...	680
-----------------------	-----

MONEY.

advanced to soldiers to be deducted from their wages, ...	693
---	-----

MONSON, District of.

taxes in, relative to, ...	584
----------------------------------	-----

MONTREAL, CANADA.

captives taken to, allowance to, ...	59, 666, 697
--	--------------

MONUMENT.

for the late Lord Viscount How, allowance for, ...	292
--	-----

MORRISON'S GARRISON.

at Colrain, men at, pay and subsistence allowed, 232	
--	--

MORTGAGE.

of lands to commissioners of £100,000 loan, relative to, ...	7, 32, 684
of part of farm in Marshfield, to commissioners of £100,000 loan, relative to, ...	17
on estate of Isaac Dafforne, Thomas Hutchinson impowered to execute deed of release of, ...	727

MUSTER-MASTERS.

Thomas Winslow: allowance to, for loss by mistake in his accounts, ...	645
--	-----

MUSTER-ROLLS.

allowance to Ebenezer Tuttle on account of a mistake in, ...	710
amount stopped out of wages on, allowed: to James Childs for servant, ...	273
certain sum to be stopped out of wages due Capt. Joseph Ingersoll on, and to be paid to administrator of Jonathan Hidden, ...	68
certain sums on, paid to certain persons, to be returned to the treasury, ...	494

MUSTER-ROLLS — continued.

commanding officers of certain companies allowed to stop on, the sums advanced to their men, ...	468
deficiencies in wages on, allowed:	
to Nathaniel Atwood, jr., ...	354
to Benjamin Bates, ...	502
to John Burk, ...	734
to John Caton, ...	712
to John Chandler for servant, ...	85
to Robert Connelly, ...	713
to David Currier, ...	458
to Charles Cushing, deputy commissary, for the troops who built fort at Penobscot, 490	
to Daniel Giddings, jr., ...	73
to Freeman Higgins, ...	354
to Israel Holton, ...	712
to Joanna Hoyt widow of Benjamin Hoyt, . 130	
to Thomas Joy, ...	489
to Thomas Phinney, jr., ...	384
to Amos Putnam, ...	139
to David Rich, ...	354
to Caleb Snow, ...	492
to Seth Staples, ...	346
to Joseph Wright, ...	394
Pearson Eaton to be prosecuted for receiving pay on two, for same service, ...	25
frauds committed in making up, Capt. John Smith to be prosecuted for, ...	24
half-pay of soldiers omitted on, allowed:	
to Ebenezer Boutwell, ...	87
to Daniel Brewer, ...	42
to Justinian Holden, ...	30
to John Stacey, ...	193
to Solomon Whitney, ...	42
to widow of Ebenezer Austen, ...	280
to Isaac Woods, father of Jonas Woods, . 81	
more time to make up, allowed captains in:	
Brig. Gen. Ruggles' regiment, ...	487
Col. — Willard's regiment, ...	488
of Capt. — Andrews:	
wages of Benjamin Keith, omitted on, allowed, ...	337
of Capt. — Arbuthnot:	
deficiency in wages of Daniel Bishop on, allowed, ...	279
of Col. — Bagley:	
deficiency in wages of Thomas Gott on, allowed, ...	145
of Capt. Enoch Bailey:	
wages due Jeremy White omitted on, allowed, 215	
of Capt. — Ball:	
amount stopped out of wages due Ichabod Druce on, allowed, ...	282
deficiency in wages of Gershom Newton on, allowed, ...	268
of Capt. Selah Barnard:	
deficiencies in wages on, allowed:	
to father of Ebenezer Scott, ...	518
to John Pebble, ...	592
to Samuel Phelps, ...	520
of Capt. James Burk:	
deficiency in wages of William White on, allowed, ...	164
of Capt. John Burk and others:	
eight days additional wages allowed, for completing, ...	170
of Capt. — Butterfield:	
wages due Thomas Woodward on, to be paid to his brother, ...	244

MUSTER-ROLLS — continued.

of Capt. — Chadburn:	
deficiency in wages of Lieut. Johnson Moulton on, allowed, ...	530
of Lieut. Gad Chapin:	
Province Treasurer to suspend payments on, 526, 603	
of Capt. — Cheever:	
deficiency in wages of Josiah Wood on, allowed, 250	
wages due Zaccheus Shead omitted on, allowed administrator, ...	224
of Capt. Thomas Cheever:	
deficiency in wages of Edward Merrow on, allowed, ...	575
of Nathaniel Cook:	
wages due Amasa Wood omitted on, allowed, 18	
of Capt. Reuben Currier:	
wages due Sanders Bradbery omitted on, allowed, ...	532
of Capt. — Dalrymple:	
wages due Noah Holbrook on, allowed his father, ...	164
of Capt. — Davis:	
deficiency in wages of Joshua Boardman on, allowed, ...	134
of Obadiah Dickinson:	
wages due Benjamin Waite, jr., omitted on, allowed, ...	393
of Col. — Dwight:	
half-pay of soldiers omitted on, allowed to William King, ...	31
of Capt. — Endicott:	
wages due William Forbush, jr., omitted on, allowed, ...	250
wages due Jonathan Wittum omitted on, allowed, ...	469
of Capt. John Endicott:	
wages due Richard Tynan on, allowed, ...	215
of Capt. Aaron Fay:	
deficiency in wages on, due Phineas Butler allowed, ...	354
of Col. James Frye:	
wages due Lieut. Nicholas Holt on, allowed, . 103	
wages due Lieut. James Parker on, allowed, 103	
of Capt. Samuel Glover:	
sum stopped out of his wages on, allowed, . 765	
of Capt. — Goodenough:	
billeting account of Hezekiah Whitcomb on, allowed, ...	223
of Capt. Gray (Gay?):	
part of wages due Samuel Shackford on, to be paid to Ensign John Hanmer, ...	736
of Capt. Nathan Hodges:	
directions to, relative to making up his, . 250	
of Capt. Solomon Holman:	
wages due Jonas Brown omitted on, allowed, 669	
of Capt. — House:	
wages due Seth Bullock omitted on, allowed, 18	
of Maj. — House:	
deficiency in wages of Joseph Walker on, allowed, ...	168
of Seth Hudson:	
Province Treasurer to suspend payments on, 526, 603, 679	
of Capt. — Ingersoll:	
wages due Robert Blair omitted on, allowed, 19	
wages due Peter Harvey on, allowed his mother, ...	195
wages due Gershom Morse on, allowed Uriah Morse, ...	217

MUSTER-ROLLS — continued.

of Capt. Joseph Ingersoll:	
Enoch Freeman to pay amounts due Samuel Gookin and others on, ...	166
of Capt. — Jones:	
deficiency in wages of Thomas Laws on, allowed, ...	417
of Capt. William Jones:	
deficiency in wages of Joseph Jones on, allowed, ...	593
of Capt. — Knowles:	
wages due Seth Garey on, allowed, ...	21
wages due Robert Pepper omitted on, allowed administrator, ...	394
of Capt. Samuel Knowles:	
wages due Silas Sears omitted on, allowed, ...	321
wages due Seth Weldon omitted on, allowed, ...	321
wages due Thomas White omitted on, allowed, ...	321
of Maj. — Miller:	
deficiency in wages of Simeon Tupper on, allowed, ...	183
of Capt. — Moore:	
half-pay of soldiers omitted on, allowed William Eaton, ...	15
of Capt. Edmund Moore:	
deficiency in wages of Lieut. Amos Mulliken, allowed, ...	590
of Capt. — Newhall:	
deficiency in wages of Ensign Dummer Sewall on, allowed, ...	530
of Capt. Benjamin Pratt:	
wages due Thomas Oldham omitted on, allowed, ...	306
of Capt. — Reed:	
wages due Ephraim Smith on, allowed, ...	752
of Capt. — Robinson:	
half pay of soldiers omitted on, allowed to Boaz Brown, ...	34
of Brig. — Ruggles:	
wages due John Hawks for services as major, omitted on, allowed, ...	698
of Capt. — Tapley:	
deficiency in wages of Samuel Goldthwait on, allowed his heirs, ...	222
of Capt. — Vose:	
wages due William Wheeler, omitted on, allowed, ...	498
of Capt. Thomas Vose:	
wages due John Tolman omitted on, allowed, ...	534
of Capt. Ralph Waldo:	
wages due Phillip Katon, omitted on, allowed, ...	193
of Capt. Aaron Willard:	
deficiency in wages of John Burt, jr., on, allowed, ...	583
of Capt. Arnold Willard:	
deficiency in wages of Ebenezer Farnsworth, jr., on, allowed, ...	548
of Capt. Job Williams:	
wages due John Allen, omitted on, allowed, ...	588
of Capt. Isaac Wyman:	
Province Treasurer to suspend payments on, 526, 603, 679	

MUSTER-ROLLS — continued.

relative to making up:	
by officers of the militia for the relief of Fort William Henry, ...	141
directions to officers and captains in service at Louisburg and Nova Scotia, ...	661
for Canada expeditions, ...	236, 436, 639, 703
for the Crown Point expedition, ...	89
Capt. Zedekiah Stone:	
impowered to make up, ...	96
wages allowed chief officers in Canada expedition for making up their, ...	251
wages due on, allowed:	
to Moses Leland, for his servant, ...	22
to son of Benjamin Pratt, ...	27
to widow of Brill Johnson, ...	356
wages due supernumeraries omitted on, allowed, 321	
wages omitted on, allowed:	
to George Allen, ...	477
to David Andrews, ...	444
to Joseph Ashley, jr., ...	355
to Reuben Asten, ...	103
to Benjamin Bailey, ...	71
to John Bagley, ...	22
to William Brabrook, ...	260
to Hopestill Bradley, ...	345
to Samuel Breck, surgeon, ...	386
to Nehemiah Bull, ...	579
to Seth Burk, ...	213
to Abraham Crowley, ...	52
to James Denton, ...	337
to Christopher Dyer, ...	490
to father of William Bryant, ...	373
to father of Josiah Phinney, ...	384
to father of Southard Jenkins, ...	740
to Jonathan Fisher, ...	28
to Benjamin Fitts, ...	739
to James Harrington for his servant, ...	755
to Thomas Hoole, ...	345
to Eliphalet Leonard for his servant, ...	427
to William Middleton, ...	21
to Matthew Noble, ...	118
to Phineas Parker, ...	448
to William Peckham for servant, ...	385
to John Pitman, ...	299
to Lieut. Samuel Reed, ...	605
to Thomas Row, ...	439
to David Sharrow, ...	355
to Ezekiel Shelden, ...	439
to Joshua Simonds, ...	311
to Jesse Torrey, ...	441
to Gideon Tower, ...	337
to Mayhew Tupper, ...	28
to Joshua Turner, ...	327
to Isaac Verry, ...	555
to Jacob Wayle, ...	552
to Isaac Wheeler, ...	555
to Eliab White, ...	101
to widow of Joseph Skinner, ...	419
to Nathan Williams, 2nd, ...	56
Joseph Witherel omitted on, allowance for services, etc., to, ...	367
Capt. Joseph Woodman:	
impowered to make up, ...	84

N.

NANTUCKET COUNTY.

- apportionment of French Neutrals in, report of committee on, ... 553
- collector of excise for, chosen, . . . 324, 500, 705
- farmers of excise in:
 - committee to choose, . . . 123, 254, 423, 689
 - Thomas Arthur, appointment of, . . . 233

NANTUCKET INDIANS.

- guardians of, re-elected, ... 241

NARRAGANSETT TOWNSHIP NUMBER**ONE (Buxton, Maine).**

- inhabitants of, to serve as soldiers, ... 50
- pay and subsistence allowed men at, 211, 328, 513

NARRAGANSETT TOWNSHIP NUMBER**TWO (Westminster).**

- inhabitants of, to be erected into a town or district, etc., petition of, ... 397
- petition of proprietors of sundry farms between Lancaster and, relative to, . . . 295, 381

NATICK INDIANS.

- guardians of, re-elected, ... 241
- impowered to sell land:
 - administrator of estate of Samuel Tobumso, 209
 - Leah Chalcom and others, ... 415
 - John Ephraim, ... 754
 - Joshua Ephraim, ... 383
 - Cæsar Ferrit, ... 69, 216
 - Nathaniel Hill, ... 371
 - Nathaniel and Patience Hill, ... 216
 - Sarah Rumney-marsh, ... 415
 - Sarah Tray, ... 217

NATICK, Township of.

- boundary between, and Needham, relative to, 388, 431
- grist-mill in, relative to, ... 507
- meeting-house in, relative to the moving of, ... 725

NEEDHAM, Town of.

- boundary between Natick and, relative to, ... 388, 431
- French Neutrals in, to be removed, . . . 116

NEWBURY, Town of.

- certain inhabitants of, with their estates, erected into a parish, ... 748

NEWBURY, Town of — continued.

- Second parish in, certain inhabitants of, with their estates, annexed to the Fourth parish, ... 257
- Second parish in, committee to view, . . . 220

NEW CASTLE, Town of.

- inhabitants of, to be employed in scouting, pay and subsistence allowed, ... 347

NEW GLOUCESTER, Township of.

- pay and subsistence allowed men at, 211, 328, 513

NEW MARBLEHEAD, Township of.

- boundary between, and towns of Falmouth and North Yarmouth, relative to, . . . 677
- pay and subsistence allowed men at, . . . 211, 328
- petition of inhabitants of, relative to a tax, etc., 393

NEW SALEM, District of.

- taxes in, assessment of, ... 487

NORTHAMPTON, Town of.

- taxes to be deducted from District of Southampton and added to, ... 79

NORTHFIELD, Town of.

- pay and subsistence allowed men at, . . . 211

NORTH YARMOUTH, Town of.

- boundary between New Marblehead, Falmouth and, ... 677

NOTES.

- treasury:
 - destroyed by fire, allowance for, 526, 685, 692
 - for payment of bounty:
 - date of issue of, fixed, ... 495
 - to be endorsed, ... 331, 483, 570

NOVA SCOTIA.

- enlistment of the 500 men for service at, relative to, ... 556, 567, 597
- forces of this Province at Louisburg and, report of committee, relative to, ... 460
- [Charles] Lawrence, Governor of, accounts of support of French Neutrals to be delivered to agents of, ... 142
- soldiers belonging to this Province in service at, and Louisburg, relative to, . . . 506, 661, 691
- supplies to be sent to Provincial forces at, . 428

NUMBER FOUR.

- plat of land between, and Pontoosuck, plan of to be recorded, ... 131

O.

OFFICERS.

- and soldiers:
 - at Castle William, establishment of, . . . 39, 78
 - at Fort Penobscot, relative to the establishment of, ... 296, 327, 381
 - at George's Fort, establishment of pay and subsistence of, ... 381
 - at Pemaquid, relative to the establishment of, ... 381
 - for defence of the Eastern Frontiers, relative to the establishment of, 28, 50, 67, 143, 211, 232, 270, 328, 370, 405, 512, 593
 - for defence of the Western Frontiers, relative to the establishment of, 28, 48, 67, 143, 211, 232, 270, 328, 370, 522
 - for the relief of Fort William Henry, establishment of pay and subsistence of, . . . 218

OFFICERS — continued.

- and soldiers — continued.
 - in Canada expedition:
 - additional bounty for, ... 161
 - establishment of bounty and wages of, . . 160
 - subsistence money allowed, ... 317
 - under command of Capt. Joseph Ingersoll, employed in transporting stores to Fort Halifax, relative to pay of, ... 166
 - belonging to Province ship and snow, one month's advance wages allowed, . . . 12
 - enlisting men, additional allowance to, . . 350, 574
 - in Canada expedition, establishment of pay of, 327
 - non-commissioned, and soldiers:
 - knapsacks to be provided for, ... 313
 - notes issued for payment of bounty of, relative to, ... 331, 483

OFFICERS — continued.non-commissioned, and soldiers — *continued.*

under Col. John Whitcomb allowed wages
from date of enlistment, ... 647
of the forces to be raised, establishment for, 478, 524
of the militia for the relief of Fort William
Henry, relative to making up muster-
rolls by, ... 141

town:

in Brimfield, validity of acts of, confirmed, . 570

OFFICERS — continued.town — *continued.*

in Kingston, to be chosen, ... 177
in Weston, validity of acts of, confirmed, . 570

OVERSEERS OF THE POOR.

in Boston:

allowance to, for the relief of a captive re-
turned from Louisburg, ... 66
to enlist John Kidney in the service, . . 316

P.

PALMER, District of.

certain inhabitants and lands of Brimfield an-
nexed to, ... 540
committee of, impowered to execute deed of
conveyance, ... 258
to repair annexed highway, ... 757

PAPER.

of Robert Hewes, referred, ... 197, 215

PARISHES OR PRECINCTS.

First and Third, in Woburn, to be reunited, . 338
First, in Boxford, inhabitants of, impowered to
bring forward a writ of review, . . . 283
First, in Cambridge, certain inhabitants of
Charlestown, with their estates, an-
nexed to, ... 756
Fourth, in Newbury, certain inhabitants of
Second parish, with their estates, an-
nexed to, ... 257
in Newbury, certain inhabitants with their
estates, erected into, ... 748
part of Springfield, west of Connecticut River
and south of Agawam River, erected
into, ... 95
Second, in Berwick, proceedings of parish
meeting in, confirmed, ... 46
Second, in Brookfield, relative to tax in, . 537
Second, in Dunstable, boundary of, to be estab-
lished, ... 675
Second, in Falmouth, York County, certain in-
habitants of, with their estates, set off
to the First parish, ... 445
Second, in Newbury, certain inhabitants of,
with their estates, annexed to the
Fourth parish, ... 257
Second, in Newbury, committee to view, . 220
South, in Harwich:
collector of taxes to be chosen in, . . . 87

PARLIAMENTARY GRANT.

committee on instructions to Agent Bolland,
relative to, ... 263, 268
to reimburse the Province for expenses incurred
by the last year's campaign, ... 298

PAUPER.

allowance to Robert Sloss, for support, . . 653

PAYQUAGE, Township of.

proprietors of, new record to be made of the
proceedings of, ... 597
relative to rights to lands in, ... 108, 351

PEARSON AND HOBSTOWN (Pearsonstown, Standish, Maine), Township of.

inhabitants of, to serve as soldiers, . . . 50
pay and subsistence allowed men at, 211, 328, 513

PEMAQUID FORT (Fort Frederick).

men to be posted at, to take care of warlike
stores, ... 405, 513

**PEMAQUID FORT (Fort Frederick) — con-
tinued.**

pay and subsistence allowed men at, 143, 211, 232,
328, 381
to be dismantled, ... 673

PEMBROKE, the ship.

allowance to Ashley Bowen on, for services, . 544

PEMBROKE, Town of.

certain Indians at Mattakeset in, relative to
building a house for, ... 70
Indians in, guardians of, re-elected, . . . 241

PENOBSCOT BAY OR RIVER.

land on, petition for grant of, ... 430

PENOBSCOT EXPEDITION.

allowance on account of loss of time, wounds,
etc., while in:

to Benjamin Hill, ... 571

PENOBSCOT, FORT AT (see Fort Pownall).

amount of provisions allowed men at, . . 329
pay and subsistence for garrison at, . . . 381
relative to building, ... 296, 381
troops who built, allowance to deputy commis-
sary for, ... 490
wages of officers during the building of, estab-
lished, ... 327

PENSION.

increase of, granted to Jonathan Stanhope, . 414
to Ephraim Cook, allowed, ... 319
to Abijah Frost, allowed, ... 747
to Amos Howard, allowed, ... 325, 382
to Roger Hunnewell, allowed, ... 636
to Ebenezer Kentfield, allowed, ... 319
to Daniel Poor, allowed, ... 351
to David Thompson, allowed, ... 144
to Stephen Vose, allowed, ... 486

PEPPERELL, District of.

allowance to selectmen of, ... 84

PERPETUAL LAWS.

of the Province:

distribution of, relative to, ... 728
to be reprinted, ... 299

PETITIONS.

of Thomas Allen and others for the executors of
Rev. John White to be impowered to
sell real estate, order of notice on, . 619
of Capt. Jabez Bradbury, hearing on, re-
ferred, ... 98
of Woodbridge Brown attorney to Edmund
Jackson, jr., for a trial of a cause, order
of notice on, ... 423
of Benjamin Carary relative to the wages of his
son (a soldier), appointment of com-
mittee on, ... 602
of certain Indians (soldiers) relative to their
wages, appointment of committee on, . 600

PETITIONS — *continued.*

- of certain inhabitants of Cambridge on South side of Charles River:
 - relative to taxes for building a meeting-house on North side of the River, . . . 340, 519
 - relative to the ministry, referred, . . . 340
- of certain inhabitants of Rutland, East Wing, and others, to be incorporated into a town, order of notice on, . . . 295
- of certain inhabitants of Wells to set aside the report of the referees on boundaries of lots:
 - order of notice on, . . . 616
 - referred, . . . 663
 - granted, . . . 749
- of certain Quakers relative to sums assessed on them:
 - order of notice on, . . . 488
 - referred, . . . 762
- of Alexander Chamberlain to bring forward a writ of review, order of notice on, . . . 222
- of Abner Clough and others for rehearing of actions, order of notice on, . . . 79
- of Thomas Cooper, bankrupt, referred, . . . 538
- of Joseph Davis and others, to tax unimproved lands of non-residents, order of notice on, . . . 74
- of divers persons, bankrupts, referred, . . . 509
- of Joseph Eaton for more time to answer petition of Samuel Read, granted, . . . 339
- of Caesar and Mercy Eson relative to title to land, appointment of committee on, . . . 505
- of Thomas Foster in Plymouth relative to fishing for alewives, referred, . . . 155
- of Joseph Grant, bankrupt, referred, . . . 538
- of William Gregory to correct a mistake of fact in a judgment, order of notice on, . . . 45
- of James Haywood, bankrupt, referred, . . . 451
- of Enos How, bankrupt, referred, . . . 449
- of inhabitants of Narragansett Township Number Two, order of notice on, . . . 397
- of George Kimball relative to wages of his servant, a soldier, order of notice on, . . . 626
- of Archibald Laws, bankrupt, referred, . . . 508
- of Jeremiah Osborne and Samuel Osborne, bankrupts, referred, . . . 424, 437
- of proprietors of Rumford relative to the possession of their lands, report of committee on, . . . 639
- of Edmund Quincy and sons, bankrupts, referred, . . . 425, 437
- of Samuel Read, to bring forward a writ of review, relative to, . . . 312, 339, 557
- of John Russell relative to actions, . . . 73
- of selectmen of Boston, relative to women and children brought from Providence, . . . 295
- of selectmen of Westborough, relative to a highway, vote with notice on, . . . 749
- of Abiel Smith and others to bring forward a writ of review, order of notice on, . . . 214
- of William Spencer to enter an appeal, order of notice on, . . . 466
- of Jonathan Stone and others to be set off, with their estates, to Worcester:
 - appointment of committee on, . . . 93
 - order of notice on, . . . 7
- of Samuel Talbot to review an action, order of notice on, . . . 350
- of Peter Trahan, facts relative to, to be inquired into, . . . 357

PETITIONS — *continued.*

- of Ebenezer Trumble for a re-hearing of an action, order of notice on, . . . 261
 - of Wait Wadsworth and others for a grant of land for a township, referred, . . . 430
 - of Thomas Walker, bankrupt, referred, . . . 456
 - of Stephen Whiting, bankrupt, referred, . . . 425, 437
 - of John Whittlemore relative to the support of his mother, . . . 246
- PHILLIPSTOWN**, Township of.
- inhabitants of, to serve as soldiers, . . . 50
 - pay and subsistence allowed men at, 211, 328, 513
- PHYSICIANS AND SURGEONS.**
- Dr. Seth Babbitt:
- amount stopped out of wages of, allowed his widow, . . . 588
- Dr. Cast, allowance to, for services, . . . 634
- in Crown Point expedition:
- allowance to Benjamin Gott for services as surgeon's mate, . . . 145
- Dr. Ward Noyes, wages due, allowed, . . . 464
- Dr. William P. Perkins:
- committee to inquire into conduct of, relative to the smallpox, . . . 681
- physicians:
- Dr. John Calef, allowance to, for services, . . . 57
 - Dr. Samuel Gardner, allowance to, for services, . . . 332
- surgeons:
- Abiel Abbot (surgeon's mate), allowed his wages, . . . 605
 - Dr. Israel Ashley, allowance for medicine supplied, . . . 587
 - Samuel Breck, allowance to, for services, . . . 386
 - Dr. Jeremiah Hall, wages due, to be paid, . . . 481
- in Canada expedition:
- to be furnished with medicine chests, . . . 524
 - to return unused surgeon's chests, etc., . . . 335
 - to account with Commissary General for medicines, etc., . . . 344
 - William Williams, administrator of, allowed to receive wages due, . . . 700
- PLANTATIONS OR TOWNSHIPS.**
- Broadbay (Waldoborough, Maine):
- inhabitants of, to be supplied with Indian corn, . . . 50
 - inhabitants serving at, subsistence allowed, . . . 18
 - pay and subsistence allowed men at, 211, 328, 512
- Charlemont:
- Hawk's garrison at, relative to, 48, 143, 211, 232, 328, 522
 - Rice's garrison at, relative to, 48, 98, 211, 232, 328, 522
 - Taylor's garrison at, relative to, 48, 143, 211, 232, 328, 522
- Colrain:
- garrison at, establishment of, . . . 522
 - Morrison's garrison at, relative to, . . . 232
 - pay and subsistence allowed men at, 143, 211, 328
- East Hoosac:
- establishment of forces at, relative to, . . . 522
- Falltown:
- Burk's garrison at, relative to, 143, 211, 232, 328, 522
 - Sheldon's garrison at, relative to, 143, 211, 232, 328, 522
- Frankfort:
- pay and subsistence allowed men at, . . . 211, 328
- Huntstown:
- pay and subsistence allowed men at, . . . 211, 328

**PLANTATIONS OR TOWNSHIPS — con-
tinued.****Ipswich-Canada:**

- house-lot in, Elisabeth Martin, administratrix,
impowered to execute deed of one-third
part of, ... 438

Lebanon:

- inhabitants of, to serve as soldiers, ... 50
pay and subsistence allowed men at, 211, 328, 513

Medumcook:

- pay and subsistence allowed men at, 211, 328, 513

Narragansett, Number One (Buxton, Maine):

- inhabitants of, to serve as soldiers, ... 50
pay and subsistence allowed men at, 211, 328, 513

Narragansett, Number Two (Westminster):

- inhabitants of, to be erected into a town or
district, etc., petition of, ... 397

- petition of proprietors of sundry farms be-
tween Lancaster and, relative to, . 295, 381

Natick:

- boundary between, and Needham, relative
to, ... 388, 431

- grist-mill in, relative to, ... 507

- meeting-house in, relative to the moving of, 725

New Gloucester:

- pay and subsistence allowed men at, 211, 328, 513

New Marblehead:

- boundary between, and the towns of Fal-
mouth and North Yarmouth, relative to, 677

- pay and subsistence allowed men at, 211, 328

- petition of inhabitants of, relative to a tax,
etc., ... 393

Payquage:

- proprietors of, new record to be made of pro-
ceedings of, ... 597

- relative to rights to lands in, ... 108, 351

Pearson and Hobbstown (Pearsontown, now**Standish, Maine):**

- inhabitants of, to serve as soldiers, ... 50
pay and subsistence allowed men at, 211, 328, 513

Phillipstown:

- inhabitants of, to serve as soldiers, ... 50
pay and subsistence allowed men at, 211, 328, 513

Pontoosuck:

- certain lands South of, confirmed to William
Lawrence, ... 552

- Goodrich's garrison at, relative to, 48, 211, 328

- Gutteridge's garrison at, relative to, ... 143

- plat of land between Number Four and, plan
of, to be recorded, ... 131

- Williams' garrison at, relative to, 48, 143, 211, 328

Pownalborough:

- pay and subsistence allowed men at, ... 513

Roadtown:

- taxes in, relative to, ... 172

- town-meeting to be called at, ... 322

Roxbury-Canada:

- right in, administratrix of Jesse Smith im-
powered to execute a deed of a, ... 416

West Hoosac:**blockhouse at:**

- ammunition to be sent to, ... 60

- inhabitants to serve as soldiers at, ... 143

- pay and subsistence allowed men at, 48, 211,
328, 405

- provisions deposited at, Commissary Gen-
eral to contract for, ... 56

- establishment of forces at, relative to, 232, 522

- powder and lead for defence of, allowance to
Isaac Searl for, ... 167

**PLANTATIONS OR TOWNSHIPS — con-
tinued.****in Hampshire County:**

- relative to sale of two, ... 553
petition for, on Penobscot Bay or River, . . 430

PLYMOUTH COUNTY.

- apportionment of French Neutrals in, report of
committee on, ... 553

- collector of excise for:

- chosen, ... 324, 500, 705

- one per cent additional allowed, ... 675

farmers of excise in:

- committee to choose, ... 121, 253, 422, 687

- William Rand, appointment of, ... 716

- John Russell, appointment of, ... 148

- James Warren, jr., appointment of, ... 9

- Edward Winslow, appointment of, ... 419

guardians of Indians in:

- directions to, relative to proceeds from sale
of land belonging to Thomas and Israel

- Felix, ... 532

- impowered relative to appropriating the pro-
ceeds from sale of land belonging to

- Patience Thomas and others, ... 70

inferior court and court of general sessions in,

- adjournment of, 146, 192, 500, 574, 622,

- 712, 738

- judge of probate for, impowered to grant further
time to creditors for entering claims

- against an insolvent estate, ... 482

- justices of court of general sessions in, impow-
ered to grant a license, ... 174, 187, 701

- register of deeds for, to enter a discharge mort-
gage on farm of Isaac Winslow, ... 17

- soldiers belonging in, returning home, subsist-
ence money allowed, ... 119, 342

- superior court of judicature, etc., in, adjourn-
ment of, ... 174, 718

- treasurer of, account allowed, ... 72, 236, 397, 572

PLYMOUTH, Town of.

- petition of Thomas Foster in, relative to fishing
for alewives, referred, ... 155

PONTOOSUCK, Township of.

- certain lands south of, confirmed to William
Lawrence, ... 552

- Goodrich's garrison at, relative to, . 48, 211, 328

- Gutteridge's garrison at, relative to, ... 143

- plat of land between Number Four and, plan
of, to be recorded, ... 131

- Williams' garrison at, relative to, 48, 143, 211, 328

POWDER.

- and lead allowed soldiers in garrison and scout-
ing, ... 167

- and lead for defence of West Hoosac, allowance
for, ... 167

- lead, etc., to be sent for garrison at Pearson and
Hobbstown, ... 50

POWER OF ATTORNEY.

- form of a, for seamen who served on His Maj-
esty's ships in the St. Lawrence River,
etc., accepted, ... 455

POWNALEBOROUGH, Township of.

- pay and subsistence allowed men at, ... 513

POWALL, FORT (see Fort at Penobscot).

- Indian truck-trade at, bill to be brought in for
providing, ... 691

- new establishment at, ... 673

- pay and subsistence for men at, ... 405, 512

PRECINCTS OR PARISHES.

- First and Third, in Woburn, to be reunited, . 338

PRECINCTS OR PARISHES -- *continued.*

First, in Boxford, inhabitants of, impowered to bring forward a writ of review, . . .	283
First, in Cambridge, certain inhabitants of Charlestown, with their estates, annexed to, . . .	756
Fourth, in Newbury, certain inhabitants of Second parish, with their estates, annexed to, . . .	257
in Newbury, certain inhabitants, with their estates, erected into, . . .	748
part of Springfield, west of Connecticut River and south of Agawam River, erected into, . . .	95
Second, in Berwick, proceedings of parish meeting in, confirmed, . . .	46
Second, in Brookfield, relative to tax in, . . .	537
Second, in Dunstable, boundary of, to be established, . . .	675
Second, in Falmouth (York County), certain inhabitants of, with their estates, set off to the First parish, . . .	445
Second, in Newbury, certain inhabitants of, with their estates, annexed to the Fourth parish, . . .	257
Second, in Newbury, committee to view, . . .	220
South, in Harwich: collector of taxes to be chosen in, . . .	87
PRINCE OF WALES, PROVINCE SLOOP (Snow). Capt. Nathaniel Dowse, commander: allowance to certain sailors, taken captive, while in service on, 629 <i>bis</i> , 651, 672, 679 <i>bis</i> , 680, 681, 716, 717 <i>bis</i> , 718, 737, 753 allowance to William Bothaw for wages and disbursements on, . . .	471
proceeds of sale of, to be paid into the treasury, 241 report of committee on, . . .	238
PRINCE TOWN , District of. taxes in, relative to, . . .	584, 636, 671
PRISONERS. English, in Canada: account of supplies for, allowed, . . .	418
expenses for conveying, from Sheffield to jail in Springfield, allowed, . . .	132
from Newfoundland, report of committee in regard to, . . .	245
Indian, and scalps, bounty allowed for, . . .	13
soldiers taken, allowance to, 59, 66, 86, 224, 254, 259, 262, 280, 314, 315 <i>bis</i> , 358, 359, 435, 438, 440, 444, 452, 457, 462, 467, 470 <i>bis</i> , 485, 495, 506, 509, 526, 539, 548, 581, 629 <i>bis</i> , 636, 650, 651, 665, 666, 672, 673, 679 <i>bis</i> , 680, 697, 698, 714, 717 <i>bis</i> , 720, 737, 738, 753 <i>bis</i>	
PROBATE, JUDGE OF. for Essex County: impowered to appoint a committee to divide an estate, . . .	481
impowered to appoint persons to appraise estates, . . .	546
for Plymouth County: impowered to grant further time to creditors for entering claims against an insolvent estate, . . .	482
for Suffolk County: authorized relative to the division of an estate, 298 impowered to settle estate upon Ebenezer Bird, . . .	714
impowered to take bond of Royal Tyler, executor, . . .	268

PROBATE, JUDGE OF -- *continued.*

for Worcester County: impowered to allow more time for entering claims against an insolvent estate, . . .	207
for York County: impowered to allow more time to commissioners receiving claims against an estate, . . .	209
PROFESSOR. of divinity at Harvard College, allowance to, 129, 264, 475, 735 of Hebrew at Harvard College, allowance to, 128, 294, 475 of mathematics at Harvard College: allowance to, . . . 128, 265, 475, 735 to make observations of the transit of the planet Venus, . . .	764
PROSECUTION. against Gideon Gardner to be withdrawn, . . .	330
PROVIDENCE (Rhode Island). Town of. women and children brought from, relative to, 295, 297	
PROVINCE AGENT. William Bollan: account of, for expenses, allowed, . . . 96, 292 allowance to, for services, . . . 96, 292 chosen, . . . 577 committee to prepare instructions to, relative to the Parliamentary Grant, . . . 263, 268 dismissed, . . . 487 instrument to be executed for, relative to money granted by Parliament, . . . 228 leave to return home, granted, . . . 694 John Pownall to be joined with, in receiving and remitting money granted by Parliament, . . . 334 remittance to, . . . 138 Secretary to write to, relative to leaving Great Britain, . . . 170	
PROVINCE HOUSE. repairs on, relative to, . . . 63 stable belonging to, to be repaired, . . . 619	
PROVINCE LANDS. trespass on, in Hampshire County, relative to, . . . 392	
PROVINCE LAWS. allowance for making a table of, . . . 759	
PROVINCE OF MASSACHUSETTS BAY. colonels receiving money from Gen. Abercrombie for the, directions to, . . . 323 perpetual laws of, to be reprinted, . . . 299 reimbursement to, for expenses incurred, relative to, . . . 298	
PROVINCE, SECRETARY OF. Andrew Oliver: allowance to, 128 <i>bis</i> , 264, 265, 290, 474 <i>bis</i> , 651, 699, 700 Thomas Clark, deputy to: allowance for services of, to his widow, . . . 586 allowance to, . . . 134, 400 to cause bill relative to the Lord's Day, to be printed, . . . 700 to return lists of valuation of estates to the several towns, . . . 32 to transmit accounts of last year's campaign to Agent Bollan, . . . 333 to write for depositions of witnesses in case of Robert Hewes, . . . 215 to write to Agent Bollan relative to his leaving Great Britain, . . . 170	

PROVINCE SHIP.

- appropriation for:
 - transfer from appropriation for billeting to, . 395
- William Merret taken captive on, allowance to, ... 548
- officers on, one month's advance wages allowed, 12
- to be equipped, ... 296

PROVINCE SHIP KING GEORGE.

- Capt. Benjamin Hallowell, jr., commander:
 - impressment of seamen for, ... 334, 576
- allowance to William Wyer, jr., for services as sailmaker on, ... 156
- Rain Curtis on, taken captive, allowance to, . 462
- enlistment of men for, relative to, . . 745, 751
- establishment of allowance of provisions for each man on, ... 158, 316
- establishment of men on, sufficient, ... 673
- establishment of wages of men on, 36, 155, 232, 316, 419, 430, 489
- officers and crew of:
 - relative to payment of, etc., ... 114
 - to go to Great Britain, ... 508
 - to guard the coast, ... 540

PROVINCE SLOOP.

- to be equipped, ... 296

PROVINCE SLOOP (Snow) PRINCE OF WALES.

- Capt. Nathaniel Dowse, commander:
 - allowance to certain sailors taken captive while in service on, 629 *bis*, 651, 672, 679 *bis*, 680, 681, 716, 717 *bis*, 718, 737, 753
- allowance to William Bothaw for wages and disbursements on, ... 471
- proceeds of sale of, to be paid into the treasury, 241
- report of committee on, ... 238

PROVINCE SNOW.

- officers on, one month's advance wages allowed, 12

PROVINCE SNOW PRINCE OF WALES.

(See Province Sloop Prince of Wales.)

PROVINCE STORES.

- Commissary General to dispose of, . . . 197, 591

PROVINCE TAX.

- in Boston, directions to collectors of, . . . 519
- in Deerfield, certain sum to be added to, . . 104
- in Roadtown, relative to, ... 322
- in Rutland, directions relative to, ... 671

PROVINCETOWN, Town of.

- allowance to, for support of the ministry, 77, 613
- inhabitants of, to be exempt from impressment, 11

PROVINCE TREASURER.

- Harrison Gray:
 - accounts of, relative to, . . . 105, 106, 607, 609
 - allowance to, 128, 133, 265, 278, 474, 479, 651, 690
 - committee to assist, in borrowing money, . 226
 - directed to suspend payments on certain muster-rolls, ... 526, 603, 679
 - directions to:
 - relative to families of the Provincial forces at Louisburg on Nova Scotia, . . . 428
 - relative to issuing warrants against constables and collectors, ... 699
 - relative to money received from sale of lottery tickets, ... 399
 - relative to paying seamen, etc., in the late Canada expedition, ... 443
 - relative to the amount received from Gen. Abercrombie, ... 323
 - relative to the bequest of Sir Peter Warren, 60
 - relative to the fund of £15,200, ... 41

PROVINCE TREASURER — continued.

Harrison Gray — continued.

- discharged of amount of government securities burned, 44, 147, 229, 242, 401, 623, 624
- impowered to administer the oath to soldiers relative to the return of their arms, . 166
- time extended for, to pay seamen, ... 569
- to add a certain sum to Province tax in Deerfield, ... 104
- to borrow £15,200, ... 67
- to cancel bond of Nathaniel Ray Thomas, . 191
- to deliver accounts of support of French Neutrals to agents of Gov. Lawrence, . . 142
- to demand and receive the Province part of seizures, ... 743
- to exchange Province bills of credit for certain persons, ... 76, 153, 165, 172
- to indorse certain bills to the chairman of the committee of war, ... 53
- to pay accounts of taverners for billeting soldiers, ... 137
- to pay a certain amount to Sarah Kilpatrick widow of James Kilpatrick, ... 466
- to pay a certain sum in lieu of treasury notes destroyed by fire 685, 692
- to pay balance due Isaac Little on mortgage, 32
- to pay billeting account of Hezekiah Whitcomb to his heirs, ... 223
- to pay bounty to administrator of George Hanners, ... 762
- to pay bounty to Benoni Graves, ... 370
- to pay Dr. Cast for medical services, . . . 634
- to pay draft of Gov. Fauquier of Virginia, . 760
- to pay Joshua Edwards part of his wages, . 739
- to pay half-pay of soldiers:
 - to Daniel Brewer, ... 42
 - to Boaz Brown, ... 34
 - to William Eaton, ... 15
 - to Ruth Holden widow of Justinian Holden, 30
 - to William King, ... 31
 - to Nathan Page, ... 34
 - to Solomon Whitney, ... 42
- to pay Dr. Jeremiah Hall for his services, . 481
- to pay Benjamin Loomis for sickness expenses of his son, a soldier, ... 762
- to pay one half of the wages due soldiers in captivity, to their families, ... 191
- to pay one month's advance wages to officers of the Province ship and snow, ... 12
- to pay sum stopped out of wages of soldiers:
 - to Joseph Bailey, ... 92
 - to Joseph Chamberlain, ... 58
 - to Nathaniel Davidson for servant, . . . 138
 - to Angus Fletcher, ... 35
 - to Peter Fletcher, ... 92
 - to Jonathan Foster, ... 30
 - to Capt. Samuel Glover, ... 765
 - to Hulda Halloway for son, ... 35
 - to Sylvanus Hemenway, ... 62
 - to Jonathan Hill for servant, ... 136
 - to Micah Hoskins, ... 102
 - to John Huston, ... 49
 - to Francis Keen, ... 111
 - to Lawrence Lynch, ... 13
 - to John Martyn, ... 74
 - to Silas Matthews, ... 58
 - to Ebenezer Norcott, ... 169
 - to Ward Noyes, ... 49
 - to Josiah Osgood for son, ... 101
 - to Timothy Page, ... 218

PROVINCE TREASURER — continued.

Harrison Gray — continued.

to pay sum stopped out of wages of soldiers — continued.	
to Mercy Pixley widow of John Pixley, . . .	13
to Lydia Ramsdell widow of Ephraim Ramsdell, ...	219
to Charles Rice, ...	16
to Nathaniel Richardson, ...	113
to Samuel Smith, ...	11
to William Snow, ...	149
to Jasher Southworth, ...	47
to Experience Stockwell, administratrix of Ichabod Stockwell, ...	91
to Oliver Watson, ...	13
to Job Weld, ...	390
to Squier Wheeler, ...	11
to Caleb Wood, ...	124
to Benjamin Woodman, ...	39
to James Woodward, ...	30
to pay two months' wages to Benjamin Car- ley for each son, ...	452
to pay wages due:	
Robert Blair, ...	19
Thomas Blodget to William Reed, ...	715
Ebenezer Bly to Moses Leland, ...	22
Seth Bullock, ...	18
certain soldiers to their widows, ...	709
Abraham Crowley, ...	52
Daniel Druce to James Harrington, ...	755
Joshua Eames, ...	19
Jonathan Fisher, ...	28
Simeon Fisher, ...	739
William Forbush, jr., to Patrick Manning, ...	250
Seth Garey, ...	21
Peter Harvey to his mother, ...	195
Brill Johnson to his widow, ...	356
Zoeth Johnson to administrator of Jabez Beeman, ...	244
Edward McGowen, ...	14
William Middleton, ...	21
Gershom Morse to Uriah Morse, ...	217
Benjamin Pratt to his father, ...	27
Samuel Price, ...	33
seamen to persons holding powers of attor- ney, ...	469
servant to James Dennison, ...	369
Mayhew Tupper, ...	28
Richard Tynan, ...	215
Jeremy White, ...	215
Amasa Wood to his heirs, ...	18
Thomas Woodward to his brother, ...	244
Benjamin Wright, ...	630
to purchase messuage and land in Boston for a hospital, ...	493
to put in suit the bonds of delinquent farmers of excise, ...	190
to receive money from the pay-master gen- eral and give receipt, ...	596
to remit a certain sum to Agent Bollan, ...	138
to remit a certain sum to Governor of Monte Christo, ...	721
to remit to Rutland, a certain part of the Province tax, ...	671
to stay execution against John Sherman, ...	631
to stop a certain sum out of wages of Capt. Joseph Ingersoll and pay same to ad- ministrator of Jonathan Hidden, ...	68
to take off stoppage for gun, ...	383
relative to, taking oath and giving bond, 255, 470, 662	

PROVISIONS.

allowance for delivering out, etc., to soldiers, 90	
at blockhouse at West Hoosac, Commissary General to contract for, ...	56
for Province Ship King George, establishment of allowance of, ...	158, 316
for soldiers from Fort William Henry, Commis- sary General to provide, ...	51
Indian corn to be sent to inhabitants of Broad- bay, ...	50
pease to be provided for forces in Canada ex- pedition, ...	307

PUBLIC SERVICE.

allowance for billeting to Thomas Neal, a sol- dier in, ...	447
allowance for carting baggage of soldiers in, ...	548
allowance for transportation of sick soldiers in:	
to Caleb Benjamin, ...	518
to Robert Cook, ...	551
to John Farnum, ...	556
to Thomas French, ...	510
to Damaris Hapgood, ...	435
to Thomas Henderson, ...	549
to Benjamin Jeffery, ...	740
to Sarah Kilpatrick, ...	547
to Ebenezer Lewis, ...	741
to Rebecca Pain, ...	549
to Robert Tucker, ...	550
to Phineas Willard, ...	342
to Joshua Wyman, ...	498
allowance on account of loss of time, wounds, etc., while in:	
to administrator of Joseph Bellows, ...	426
to Moses Bailey, ...	740
to Samuel Baker, ...	572
to John Benson for grandson, ...	373
to Ebenezer Bonney for son, ...	424
to Josiah Bradbury, ...	623
to Abner Brown for son, ...	411
to William Buck, ...	546
to Nehemiah Bull, ...	321
to Jonathan Burt for son, ...	414
to John Buswell for son, ...	410
to David Buzzill, ...	358
to Ephraim Clark, ...	594
to Ephraim Cook, ...	319
to James Cushing for son, ...	653
to Simon Darby for son, ...	413
to Enoch Davis, ...	412
to James Davis for sickness expenses of serv- ant, ...	375
to Gershom Dunton, ...	701
to James Emerson, ...	752
to John Erwin, ...	673
to Margaret Felch for son, ...	465
to Daniel Fish for son, ...	414
to Bethulia Gates widow of Benjamin Gates, ...	413
to Abner Gilbert, ...	411
to Adam Goodwin for son, ...	411
to Shipeway Goodwin, ...	413
to Aaron Guild, ...	510
to Jabez Hamblen, ...	664
to Rufus Hayward, ...	758
to Samuel Herring, ...	763
to Joseph Hides, ...	762
to Ezra Hitchings, ...	687
to Zoeth Johnson, ...	714
to Esther Jones widow of Seth Jones, ...	345
to Joseph Jones, ...	589
to Abraham Josselyn, ...	478

PUBLIC SERVICE — *continued.*

allowance on account of loss of time, wounds,
etc., while in — *continued.*

to Asa Keen, ...	516
to Ebenezer Kentfield, ...	319
to Abner Keys, ...	526
to Caleb Kimball, ...	470
to Elisha Litchfield, ...	339
to Isaac Little, ...	509
to Abner Loudon for sickness expenses of servant, ...	499
to Constant Luther for sickness expenses of son, ...	405
to Joseph McCowen, ...	492
to Jemima McFun widow of Robert McFun, ...	435
to Solomon Maker, ...	479
to Enoch Marsh, ...	424
to Ruth Mead widow of Thomas Mead, ...	584
to Nathan Moore, ...	572
to Paul Morse, ...	412
to Nathaniel Moulton, ...	470
to Lemuel Newton, ...	426
to William Palmer for son, ...	413
to Ruth Peabody for son, ...	661
to Nathan Phelps, ...	465
to Micah Pratt for son, ...	571
to Richard Rockwood for sickness expenses of son, ...	410
to Samuel Ross for son, ...	619
to John Ruggles for sickness expenses of ser- vant, ...	412
to Abraham Smith, ...	426
to John Stevens, ...	410
to Isaac Stevenson, ...	350
to Thomas Studley, ...	531
to John Symmes, ...	412
to Elijah Temple, ...	742
to Jacob Tirril, ...	701
to Samuel Tripp, ...	466
to Isaac Verry, ...	555
to Stephen Vose, ...	486
to John Walklate, ...	665
to Jabez Ward for son, ...	657
to Samuel Webber, ...	742
to Isaac Wheeler, ...	555
to Phillip Whitaker for sickness expenses of servant, ...	411
to Ezra Winslow, ...	705
to John Wriford, ...	305
to John Wright, ...	661
allowance to James Bacon for expenses in as- sisting home, his brother, a soldier in, ...	339
allowance to Peter Schuyler to reimburse him the sum paid for relief of distressed sol- diers, ...	125
allowance to sick and wounded soldiers in, 112, 118, 142, 153, 157, 162, 165, 179, 186, 198, 226, 259, 272, 273, 291, 331 <i>bis</i> , 346, 356, 368, 386, 392, 434, 456, 459, 464, 486, 575, 585, 588, 595, 628, 631, 642, 657, 677, 680, 685, 708, 724, 731, 743, 761	
amount stopped out of wages of soldiers in, allowed:	
to Mary Allen widow of John Allen, ...	585
to Capt. William Angier, ...	755
to Jonathan Babbit for servant, ...	513
to Oston Barce for his apprentice, ...	469

PUBLIC SERVICE — *continued.*

amount stopped out of wages of soldiers in,
allowed — *continued.*

to Solomon Bates, ...	502
to William Blaney, for his apprentice, ...	683
to James Brown, ...	391
to Ebenezer Damon for servant, ...	499
to James Dennison, ...	369
to Edward Doten, ...	714
to Ann Drake widow of Samuel Drake, ...	440
to John Gerrish, ...	479
to John Hancock for son, ...	478
to Seth Harding for servant, ...	696
to John Hinkley, jr., ...	670
to Nathaniel Hooper, ...	484
to Elizabeth Horton for son, ...	445
to John Johnson, ...	498
to William Jones, ...	450
to Richard Kimball, ...	467
to Noah McIntyer, ...	492
to Seth Manley, ...	626
to William Marshall for son, ...	450
to Benjamin Nash, ...	462
to Gideon Parkman, ...	550
to Joshua Pratt, ...	714
to Robert Prebbles, ...	695
to Nathaniel Rider, ...	715
to Daniel Sartwell, ...	392
to Francis Snow, ...	491, 498
to Job Weld, ...	390
to Isaac Weston, ...	714
to Joseph Willis for son, ...	486
to Lemuel Winchester, ...	681
to Ebenezer Wymar, ...	548
amount stopped out of wages of soldiers in serv- ice at the Westward allowed:	
to Robert Townsend, ...	627
Lieut. Ebenezer Bardwell in, allowance to, for pursuing deserters, ...	741
Jeremiah Campbell in, allowance to, ...	600
William Davenport in, allowance to, ...	604
forces to be raised for, medicine chests, etc., to be provided for, ...	730
Abijah Frost, soldier in, pension allowed, ...	747
Col. Joseph Gerrish to furnish five men for, ...	353
guns lost in, allowance for, 261, 517, 594, 636, 656, 695, 733	
relative to paying soldiers in, ...	558
relative to the time, etc., of service of the 3,000 men to be raised for, ...	748
wages, etc., due soldiers in, allowed, 327, 337 <i>ter</i> , 355, 385, 417, 427, 448, 452, 462, 469, 477, 490, 492, 502, 520, 528, 553, 577, 580, 581, 583, 588, 593, 605, 630, 643, 647, 682, 744, 752	
John Thomas in, allowance to, for settling muster-roll, etc., ...	729
Nathaniel Thwing in, allowed wages as colonel, 657 allowance to William Strowbridge for expenses incurred by sickness of his servant, a soldier in, ...	520

PUNCAPAUG INDIANS.

guardians of:	
account allowed, ...	230, 393, 547
impowered to sell land, etc., ...	178, 230
re-elected, ...	241
to pay claim of Nelson Finney with interest, 88	

Q.

QUAKERS.

colonels to make returns relative to, in their regiments, ...	358
tax on, relative to, 488, 491, 520, 670, 676, 751, 762	

QUEBEC, CANADA.

captives taken to, allowance to, 115, 280, 315, 440, 462, 470 <i>bis</i> , 548, 581, 650, 714	
--	--

QUORUM UNUS.

of justices, ...	403, 409, 439, 493, 687, 707, 709
------------------------	-----------------------------------

R.

RAYNHAM, Town of.

fine remitted to, ...	632
-----------------------------	-----

REGISTER OF DEEDS.

for Plymouth County, to discharge mortgage on farm of Isaac Winslow, ...	17
---	----

REHOBOTH, Town of.

divided into two precincts, ...	248
ministerial lands in, relative to, ...	514

REPRESENTATIVES, HOUSE OF.

allowance for travelling expenses to witnesses in attending, ...	260, 261
chaplain of, allowance to, ...	127, 266
clerk of:	
allowance to, ...	127, 190, 266, 476, 652, 757, 765
witnesses summoned by, in suit of Solomon Whitney against Capt. Zedediah Stone, relative to pay of, ...	153
list of members of, ...	4, 204, 364, 562
speakers of, allowance to, ...	127, 265, 476, 652
Capt. Isaac Wyman and Seth Hudson ordered to attend, ...	526

REVIEW, ACTION OR WRIT OF.

leave to the following persons to bring an:	
Japhet Bicknall, ...	750
Duncan Campbell, ...	95
John Clark, ...	642
Seth Crane, ...	64, 80
inhabitants of First parish in Boxford, ...	283
Thomas Pinnell, ...	455
Oliver Stearns, ...	99
Samuel Talbot, ...	350, 390
Thomas Wilson, ...	453
petition of Alexander Chamberlain to bring a	222
petition of Samuel Read to bring an, ...	312
petition of Abiel Smith and others to bring an, 214	

RICE'S GARRISON.

at Charlemont:	
bounty for men enlisted at, allowed, ...	98

RICE'S GARRISON — continued.

at Charlemont — <i>continued.</i>	
establishment of, ...	522
pay and subsistence allowed men at, 48, 211, 232, 328	

ROADTOWN, Township of.

taxes in, relative to, ...	172
town-meeting to be called at, ...	322

ROCHESTER, Town of.

boundary between Dartmouth and, relative to settlement of, ...	19
---	----

ROXBURY-CANADA TOWNSHIP.

right in, administratrix of Jesse Smith impow- ered to execute a deed of a, ...	416
--	-----

ROXBURY, Town of.

lands in, bequeathed for a free school, relative to, ...	648
lottery in, relative to tickets in, ...	682
selectmen of, allowance to, for sickness and funeral expenses of a stranger, ...	242
town-meeting to be called at, ...	347

RUM.

excise on, Joseph Fisher excused from pay- ing, ...	246
unlawful sale of, relative to, ...	371, 372 <i>ter</i> , 387

RUMFORD, Town of.

petition of proprietors of, relative to the pos- session of their lands, report of com- mittee on, ...	639
--	-----

RUTLAND, EAST WING.

petition of inhabitants of, and of sundry farms, to be incorporated into a town, relative to, ...	295, 381
---	----------

RUTLAND, Town of.

assessors of, empowered to assess the inhabit- ants of District of Prince Town (for- merly the East Wing of Rutland), ...	584
Province tax in, directions relative to, ...	671

S.

SACO (truck-house).

pay and subsistence allowed soldiers at, 143, 211, 232, 328, 405, 513	
--	--

ST. GEORGE'S.

allowance to Dominicus Jordan and Company for services for the relief of, ...	605
interpreter at, allowance to, ...	125
whale-boats to be sent to, ...	22

ST. GEORGE'S (truck-house).

pay and subsistence allowed soldiers at, ...	143
--	-----

ST. GEORGE'S FORT.

Uriah Angier to be posted as supernumerary at, 424 to be dismantled, ...	673
---	-----

ST. GEORGE'S RIVER (truck-house).

pay and subsistence allowed soldiers at, ...	512
--	-----

ST. LAWRENCE RIVER.

country this side of, to be surveyed, ...	691
---	-----

SANDWICH, Town of.

Indians in, guardians of, re-elected, ...	241
---	-----

SCALPS.

bounty allowed for Indian prisoners and, ...	13
--	----

SCARBOROUGH, Town of.

divided into two parishes, ...	276
--------------------------------------	-----

SCHOOLHOUSE.

in Second precinct in Brookfield, relative to tax on, ...	537
--	-----

SCHOOLS.

in Ipswich, sale of land for use of a grammar, . 750 lands bequeathed for a free, in Roxbury, rela- tive to sale of, ...	648
--	-----

SCHOOLS — *continued.*

sale of land in Stoughton appropriated for the use of, ... 732

SCOUTS.

Capt. Zedekiah Stone, commander of, between Connecticut and Merrimac Rivers, impowered to make up his muster-roll, . 96
under Capt. ——— Hodges:
allowance on account of loss of time, wounds, etc., to Jeremiah Lincoln, ... 59

SEAL ISLANDS.

persons on, in distress, report of committee relative to, ... 278

SECRETARY OF THE PROVINCE.

Andrew Oliver:
allowance to, 128 *bis*, 264, 265, 290, 474 *bis*, 651, 699, 700

Thomas Clark, deputy to:

allowance for services of, to his widow, . 586
allowance to, ... 134, 400

to cause bill relative to the Lord's Day, to be printed, ... 700

to return lists of valuation of estates of the several towns, ... 32

to transmit accounts of last year's campaign to Agent Bollan, ... 333

to write for depositions of witnesses in case of Robert Hewes, ... 215

to write to Agent Bollan relative to his leaving Great Britain, ... 170

SEIZURES.

relative to the Province part of, ... 667, 743

SHEFFIELD, Town of.

certain family, with his estate, annexed to, . 699
certain inhabitants of lands west of, annexed to Sheffield, ... 450

expenses for conveying prisoners from, allowed, 132
hospital at, allowance to Anthony Austin for expenses incurred by sickness of son at, 23

SHELDON'S GARRISON.

at Falltown:
establishment of, ... 522
pay and subsistence allowed men at, 143, 211, 232, 328, 522

SHERBORN, Town of.

French Neutral family in, to be removed, . 78

SHERBURN (Nantucket), Town of.

taxes in, assessments of, for the year 1756, confirmed, ... 175

SHERIFFS.

Josiah Loomis, deputy-sheriff, allowance to, for expenses, etc., incurred by imprisonment, ... 108

of Barnstable County:

allowance to, for the apprehension of deserters, ... 753

SHIP PEMBROKE.

allowance to Ashley Bowen on, for services, . 544

SHIP, PROVINCE.

appropriation for:

transfer from appropriation for billeting to, 395
William Merret, taken captive on, allowance to, 548
officers on, one month's advance wages allowed, 12
to be equipped, ... 296

SHIP, PROVINCE, KING GEORGE.

Capt. Benjamin Hallowell, jr., commander:
impressment of seamen for, ... 334, 576

allowance to William Wyer, jr., as sailmaker on, ... 156

Rain Curtis on, taken captive, allowance to, . 462

SHIP, PROVINCE, KING GEORGE — *continued.*

enlistment of men for, relative to, . . . 745, 751

establishment of allowance of provisions for each man on, ... 158, 316

establishment of men on, sufficient, ... 673

establishment of wages of men on, 36, 155, 232, 316, 419, 430, 489

officers and crew of, relative to payment of, etc., 114

to go to Great Britain, ... 508

to guard the coast, ... 540

SIX NATIONS.

education of children of Indians of, relative to, ... 60

SLINGS.

not returned, certain amount to be stopped out of wages of soldiers for, ... 89, 247

SLOOP MASSACHUSETTS.

Capt. Thomas Saunders, master:

establishment of wages on, ... 71
to be at the service of Prof. Winthrop, . . 764

SLOOP, PROVINCE.

to be equipped, ... 296

SLOOP (SNOW), PROVINCE, PRINCE OF WALES.

Capt. Nathaniel Dowse, commander:

allowance to certain sailors, taken captive, while in service on, 629 *bis*, 651, 672, 679 *bis*, 680, 681, 716, 717 *bis*, 718, 737, 753

allowance to William Bothaw for wages and disbursements on, ... 471

proceeds of sale of, to be paid into the treasury, 241

report of committee on, ... 238

SMALLPOX.

sickness expenses, etc., caused by, allowed Obadiah Sampson, ... 99

soldiers sick with, to be provided for, . . . 62

spreading of, in Boston, committee to inquire relative to, ... 681

SNOW, PROVINCE.

officers on, one month's advance wages, allowed, ... 12

SNOW-SHOES.

belonging to the Province, relative to, . . 173
to be sold, ... 680

SOUTHAMPTON, District of.

certain amount to be deducted from taxes in, and added to taxes in Northampton, . 79

SOUTHBOROUGH, Town of.

fine remitted to, ... 638

French Neutral family to be transferred to, . 78

SOUTH HADLEY, District of.

meeting-house in, relative to, ... 541, 694

proceedings at district meetings in, confirmed, ... 156

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Thomas Hubbard, allowance to, ... 127, 265

James Otis, allowance to, ... 652

Samuel White, allowance to, ... 476

SPECIE ACCOUNT.

of Thomas Hubbard, Commissary General:

report of committee on, ... 595

of John Wheelwright, Commissary General:

allowed, ... 442

report of committee on, ... 378, 379 *bis*, 380

SPENCER, District of.

assessors in, and town of Leicester, directions to, ... 33, 233

tax in, confirmed, ... 527

SPIRITUOUS LIQUORS.

farmers of excise on:	
bonds of delinquent, to be put in suit, . . .	190
farming excise on:	
committee on, report of, 8, 9 <i>ter</i> , 49, 51, 53, 279	
fines for selling, certain persons excused from paying, ...	301
further time granted to Samuel Lee to enter a recognizance to sell, ...	396
licenses granted to the following persons to sell:	
Henry Atkins, jr., Boston, ...	176
Elizabeth Brooks, Woburn, ...	149
Joseph Candish, Boston, ...	272
Henry Comerford, Gloucester, ...	159
Benjamin Davis, Ipswich, ...	625
Ebenezer Downe, Boston, ...	239
John Fairservice, Boston, ...	693
Nathan Foster, Ipswich, ...	625
Margaret Freeman, Boston, ...	272
Elizabeth George, Boston, ...	273
Abigail Greenleaf, Boston, ...	239
John Hodgkins, jr., Ipswich, ...	625
Mary Knox, Boston, ...	175
Margaret Love, Boston, ...	194
Rebeckah Mansfield, Marblehead, ...	686
Ruth Mecom, Boston, ...	239
Phebe Procter, Westford, ...	310
Daniel Rindge, Ipswich, ...	625
Amos Rogers, Marshfield, ...	701
Thomas Rudge, Malden, ...	185
Joanna Service, Boston, ...	295
Samuel Torrey, Boston, ...	112
Walter Westcott, Boston, ...	97
selling, without license:	
all process against Sarah Wethered for, stayed, ...	281
certain persons excused from paying fine for, used at Castle William, excise not to be paid on, 758	

SPRINGFIELD, Town of.

certain inhabitants of, with their estates, erected into a precinct, ...	95
jail in, expenses for conveying prisoners to, allowed, ...	132

STABLE.

belonging to Province House to be repaired, . . .	619
---	-----

STOCKBRIDGE INDIANS.

impowered to sell land:	
Jacob Cheeksunkun, ...	92
Isaac Waunumpek and others, ...	355
Timothy Woodbridge allowed to receive a deed of land from, ...	275

STOCKBRIDGE, Town of.

fort at, allowance to several persons for building, ...	458
garrison at, usual establishment allowed for, . . .	357
Indian proprietors of, impowered to execute a deed, ...	696
pay and subsistence allowed men at, ...	211

STORE-HOUSE OR BLOCKHOUSE.

at Cushnoc:	
bounty for soldiers enlisting at, allowed, 145, 263	
establishment for forces at, to be continued, 232	
new establishment at, ...	673
pay and subsistence allowed soldiers at, 143, 211, 328, 512	
soldiers at, relative to wages of, ...	136

STORES.

for the army, Commissary General to purchase, 354	
hospital, allowance for care of, ...	746
hospital, to be provided for the forces, ...	303, 333

STORES — continued.

ordnance and, for Castle William, relative to, . .	611
Province, Commissary General to dispose of, 197, 591	
warlike:	
at Fort Frederick, relative to, ...	405, 513

STOUGHTON INDIANS.

medical attendance on, etc., allowance for, . . .	332
---	-----

STOUGHTON, Town of.

French Neutrals to be transferred to, ...	116
selectmen of, impowered to sell land, ...	732

SUFFOLK COUNTY.

apportionment of French Neutrals in:	
account of, allowed, ...	698
report of committee on, ...	553

collectors of excise for:

allowed one per cent additional, ...	359
chosen, ...	324, 500, 705
not to collect excise on spirituous liquors used at Castle William, ...	758
to withdraw his prosecution against Gideon Gardner, ...	330

farmers of excise in:

committee to choose, ...	120, 252, 420, 687
William Story, appointment of, ...	169, 760

judge of probate for, authorized relative to the division of an estate, ...	298
---	-----

judge of probate for, impowered to settle estate upon Ebenezer Bird, ...	714
--	-----

judge of probate for, impowered to take bond of Royal Tyler, executor, ...	268
--	-----

justices of court of general sessions in, impowered to grant a license, 97, 112, 175, 176, 194, 239 <i>bis</i> , 240 <i>bis</i> , 272 <i>bis</i> , 273, 295, 340, 528, 693, 763	
---	--

justices of superior court in, impowered to hear and try an action, ...	95, 182, 453, 642
---	-------------------

soldiers belonging in, returning home, subsistence money allowed, ...	119, 342
---	----------

treasurer of:

account allowed, ...	64, 229, 406
Joshua Henshaw impowered to act as, ...	104

SUNDERLAND, Town of.

roads laid out from Deerfield to, relative to, 388, 472, 473	
--	--

SUPPLIES.

for English prisoners in Canada, account of, allowed, ...	418
to be sent to Provincial forces at Louisburg or Nova Scotia, ...	428

SURGEONS AND PHYSICIANS.**Dr. Seth Babbitt:**

amount stopped out of wages of, allowed his widow, ...	588
--	-----

Dr. Cast, allowance to, for services, ...	634
in Crown Point expedition:	
allowance to Benjamin Gott for services as surgeon's mate, ...	145

Dr. Ward Noyes, wages due, allowed, ...	464
---	-----

Dr. William P. Perkins:

committee to inquire into conduct of, relative to the smallpox, ...	681
---	-----

physicians:

Dr. John Calef, allowance to, for services, . . .	57
Dr. Samuel Gardner, allowance to, for services, ...	332

surgeons:

Abiel Abbot (surgeon's mate), allowed his wages, ...	605
--	-----

Dr. Israel Ashley, allowance for medicine supplied, ...	587
---	-----

SURGEONS AND PHYSICIANS — continued.*surgeons — continued.*

Samuel Breck, allowance to, for services, . . .	386
Dr. Jeremiah Hall, wages due, to be paid, . . .	481
in Canada expedition:	
to be furnished with medicine chests, . . .	524
to return unused surgeon's chests, etc., . . .	335
to account with Commissary General for medicines, etc., . . .	344

SURGEONS AND PHYSICIANS — continued.*surgeons — continued.*

William Williams, administrator of, allowed to receive wages due, . . .	700
---	-----

SUTTON, Town of.

certain family, with his estate annexed to, . . .	10, 65
---	--------

SWANSEA, Town of.

abatement of taxes in, . . .	521
------------------------------	-----

T.

TACONICK (Fort Halifax).

William Lithgow, commander at:	
additional allowance to, . . .	420
allowance to Ebenezer Bacon for services in building, . . .	102
allowance to Dr. John Calef for care of sick soldiers at, . . .	57
bounty for soldiers enlisting at, . . .	145, 263
establishment for the forces at, to be continued, . . .	232
Indian truck-trade at, bill to be brought in for providing, . . .	691
men to be enlisted or impressed for, relative to, . . .	398
new establishment at, . . .	673
officers and soldiers under Capt. Joseph Ingersoll employed in transporting stores to, relative to pay of, . . .	166
pay and subsistence allowed men at, . . .	139, 143, 211, 328, 405
relative to the discharge of 16 men at, . . .	432
relative to wages of soldiers at, . . .	139

TAUNTON, Town of.

abatement of taxes in, . . .	521
inhabitants of, impowered to sell land laid out for a school, . . .	496

TAVERNS.*keepers of:*

accounts of, for billeting soldiers, allowed, . . .	137
Gideon Gardner, prosecution against, to be withdrawn, . . .	330
rate per day allowed, for entertaining regular soldiers, . . .	291
to render accounts for subsisting soldiers, . . .	154

licenses granted to the following persons to keep:

Azuba Adams, Springfield, . . .	709
James Barrett, Malden, . . .	303
John Bartlet, Plymouth, . . .	187, 207
Samuel Bass, jr., Braintree, . . .	340
William Bennet, Boston, . . .	239
Benjamin Bigelow, Cambridge, . . .	82
Luke Blashfield, Brimfield, . . .	444
David Bradley, jr., Haverhill, . . .	433
Mary Brown, Waltham, . . .	403
William Bryant, Reading, . . .	255
William Carnachan, Blandford, . . .	727
Elijah Cobb, Taunton, . . .	21
Gayer Coffin, Boston, . . .	240
Joshua Crossman, Hopkinton, . . .	93
Abigail Cutler, Brookfield, . . .	274
Sarah Cutler, Western, . . .	747
James Daggett, Rehoboth, . . .	171
Ichabod Dexter, Payquage, . . .	441
Josiah Drury, Framingham, . . .	262
Sarah Edes, Boston, . . .	763
Levi Ely, Springfield, . . .	326
Hugh Floyd, Medford, . . .	359
Elisha Fuller, Newton, . . .	148

TAVERNS — continued.*licenses granted to the following persons to keep — continued.*

Benjamin Furnass, Shrewsbury, . . .	717
Aaron Graves, Palmer, . . .	672
Daniel Hale, Newbury, . . .	451
Thomas Holmes, Marshfield, . . .	174
Capt. Joshua Hutchins, Lunenburg, . . .	194
Cushing Kilby, Hingham, . . .	528
Samuel Lee, Sheffield, . . .	721
Abner Leland, Medford, . . .	175
Josiah Lock, Westborough, . . .	529
Sarah Newhall, Malden, . . .	493
David Osgood, Billerica, . . .	707
Joseph Parker, Falmouth (York County), . . .	111
Nathaniel Pease, Blandford, . . .	341
Jeremiah Pecker, Haverhill, . . .	622
Aphia Porter, Danvers, . . .	439
Tyler Porter, Wenham, . . .	409
Hezibah Raymond, Lexington, . . .	614
Obadiah Sawtell, Shirley, . . .	251
Ann Stone, Hopkinton, . . .	302
Othniel Taylor, Charlemont, . . .	451
Benjamin Tucker, jr., Leicester, . . .	761
John Waite, Brookfield, . . .	752
Sarah Wethered, Boston, . . .	240
Samuel Whitcomb, Dighton, . . .	568
Noah Wyman, Woburn, . . .	711

TAXES.*in Boston:*

directions to collectors of Province, . . .	519
relative to the abatement of, . . .	602
in Brookfield, Second precinct, relative to, . . .	537
in Cambridge upon inhabitants on South side of Charles River, relative to, . . .	340, 519
in Dartmouth, abatement of, . . .	521
in Dedham, relative to, . . .	665
in Deerfield, certain sum to be added to Province, . . .	104
in District of Amherst, relative to, . . .	402
in District of Charlton, assessment of, . . .	551
in District of Harpswell, collectors of, impowered to collect, . . .	635
in District of Monson, relative to, . . .	584
in District of New Salem, assessment of, . . .	487
in District of Prince Town, relative to, . . .	584, 636, 671
in District of Southampton, certain amount to be deducted from, and added to taxes in Northampton, . . .	79
in District of South Hadley, collectors of, to be chosen, . . .	156
in District of Spencer, confirmed, . . .	527
in District of Westminster, assessment of, . . .	483, 587
in Freetown, abatement of, . . .	521
in Hadley, relative to, . . .	402
in Harwich, South precinct, inhabitants impowered to choose collector of, . . .	87

TAXES — continued.

in Holden:	
on unimproved lands of non-residents, relative to, ...	74, 158
vote relative to, on common and undivided lands, ratified, ...	344
in Hull, assessment of, declared valid, ...	300
in Leicester and District of Spencer, relative to, ...	33, 233
in Lexington, constables to be chosen to collect, ...	190
in Littleton, validity of, confirmed, ...	491
in Lunenburg, assessment of, ...	320
in Medfield, relative to, ...	665
in Narragansett Township Number Two, relative to, ...	397
in New Marblehead, relative to, ...	393
in Northampton, certain amount to be deducted from taxes in District of Southampton and added to, ...	79
in Roadtown, relative to, ...	172, 322
in Rutland, directions relative to Province, ...	671
in Sherburn (Nantucket) assessment of, confirmed, ...	175
in Swansea, abatement of, ...	521
in Taunton, abatement of, ...	521
in Worcester and District of Charlton, relative to, ...	233
on Quakers, relative to, 488, 491, 520, 670, 676, 762	
poll, certificate to exempt soldiers from, relative to, ...	37
Province Treasurer not to issue warrants against collectors of, for non-payment of tax on vessels, ...	699

TAYLOR'S GARRISON.

at Charlemont, relative to, 48, 143, 211, 232, 328, ...	522
---	-----

TEA, COFFEE AND CHINA WARE.

farmers of excise on:	
bonds of delinquent, to be put in suit, ...	190
farming excise on:	
committee on, appointment of, 120 <i>bis</i> , 121 <i>quater</i> , 122 <i>quater</i> , 123, 252 <i>quater</i> , 253 <i>quater</i> , 254 <i>ter</i> , 420, 421 <i>quater</i> , 422 <i>quater</i> , 423 <i>bis</i> , 687 <i>bis</i> , 688 <i>quater</i> , 689 <i>quater</i> , 690 <i>ter</i>	
committee on, directions to, ...	334, 395
committee on, report of, 148, 169, 170, 197, 210 <i>bis</i> , 230, 233, 251, 397, 408, 419, 453 <i>bis</i> , 454 <i>bis</i> , 582, 716, 734, 760	

TENERIFFE.

fish to be exported to, ...	43
-----------------------------------	----

THANKSGIVING.

relative to the appointment of, ...	420
---	-----

TICONDEROGA.

allowance on account of loss of time, wounds, etc., while in service at:	
to Col. Jonathan Bagley for son, ...	336
to David Currier, ...	458
to Amos Howard, ...	325, 382
to Richard Truesdell, ...	332
allowance to Abraham Tyler, a soldier at, for sickness expenses, etc., ...	293
allowance to widow of Abraham Newton for wages due her husband, a soldier at, and for blanket lost, ...	332
amount stopped out of wages of soldiers in service at, allowed:	
to Nathaniel Jones for son, ...	370
to Ezekiel Reynolds, ...	684
wages due Brill Johnson for service at, allowed his widow, ...	356

TITICUT INDIANS.

guardians of, account allowed, ...	389
--	-----

TOWN OR PRECINCT MEETINGS.

in Berwick (Second parish) proceedings in, confirmed, ...	46
in Bridgewater, relative to, ...	36
in Kingston, to be called, ...	177
in Lexington, to choose constables, ...	190
in Roxbury, to take action relative to swine running at large, ...	347
in Scarborough, for election of officers, ...	276
in Watertown, to be called, ...	318
in Westborough, votes of inhabitants of, confirmed, ...	678

TOWNS.

Albany:	
Province stores at, Commissary General to dispose of, ...	591
sick soldiers at, allowance to Samuel Blodget for charges upon, ...	720
Barnstable:	
Indians in, guardians of, re-elected, ...	241
Bellingham:	
certain French Neutrals to be transferred to, ...	157
Berkley:	
fine remitted to, ...	415
Indian lands in Freetown to be sold to reimburse, for support of Isaac Muet and wife (Indians), ...	85
Berwick:	
Second parish in, proceedings of parish meetings in, confirmed, ...	46
Billerica:	
French Neutrals in, to be removed, ...	429
Boston:	
messuage and land to be purchased for hospital in, ...	493
overseers of the poor in:	
allowance to, for the relief of a captive, ...	66
to enlist John Kidney in the service, ...	316
Province tax in, directions to collectors of, ...	519
selectmen and overseers of, allowance to, for sufferers from the fire, ...	497
selectmen of:	
allowance to, to be applied to the abatement of taxes, ...	602
allowed further time for drawing lotteries in, ...	61
smallpox in, relative to the spreading of, ...	681
Boxford:	
First parish in, inhabitants of, impowered to bring forward a writ of review, ...	283
French Neutrals in, to be removed, ...	117
Braintree:	
Germantown in, managers of lottery in, allowed use of Representatives' room, ...	141
Bridgewater:	
proceedings of town and precinct meetings in, confirmed, ...	36
Brimfield:	
assessors of, impowered to assess the inhabitants of District of Monson, ...	584
certain inhabitants and lands of, annexed to District of Palmer, ...	540
officers of, validity of acts of, confirmed, ...	570
Brookfield:	
French Neutrals to be transferred to, ...	196
Second precinct in, relative to tax in, ...	537

TOWNS — continued.**Cambridge:**

- First precinct in, certain inhabitants of Charlestown, with their estates, annexed to, ... 756
- petition of certain inhabitants of, on South side of Charles River:
 - relative to a tax, ... 340
 - relative to the ministry, ... 340
 - report of committee on, ... 519

Charlestown:

- certain inhabitants of, with their estates, annexed to First precinct in Cambridge, ... 519, 756

Dartmouth:

- abatement of taxes in, ... 521
- assessors of, assessment by, confirmed, . . . 56, 543
- boundary between, and Rochester, relative to, ... 19

Dedham:

- county tax in, to be increased, ... 665

Deerfield:

- certain amount added to Province tax in, . . 104
- roads laid out from, to Sunderland, relative to, ... 388, 472, 473
- selectmen of, impowered to sell the ministerial lot in, ... 472

Dorchester:

- selectmen of, to supply a French Neutral family with beds, etc., ... 245

Dunstable:

- French Neutrals to be transferred to, . . . 429
- Second precinct in, boundary of, to be established, ... 675

Eastham:

- Indians in, guardians of, re-elected, . . . 241
- Indians of, and of Harwich relative to complaints of, ... 159, 276

Easton:

- French Neutrals to be transferred to, . . . 191
- selectmen of, to provide for a certain French Neutral family, ... 385

Falmouth, Barnstable County:

- ferry between, and Martha's Vineyard, Philip Dexter to keep, ... 69
- Indians in, guardians of, re-elected, . . . 241

Falmouth, York County:

- boundary between New Marblehead, and North Yarmouth, ... 677
- Second parish in, certain inhabitants of, with their estates, set off to the First parish, 445

Frammingham:

- pay and subsistence allowed men at, . . . 328

Freetown:

- abatement of taxes in, ... 521
- sale of Indian lands in, relative to, . . . 85

Gloucester:

- French Neutrals to be transferred to, . . . 499
- selectmen of, to provide a house for John Muis, 532

Hadley:

- taxes in, relative to, ... 402

Halifax:

- passage to, for women and children from Providence, to be provided, ... 297

Hanover:

- to pay a certain sum to Sylvanus Wing, . . . 751

Harwich:

- Indians in, guardians of, re-elected, . . . 241
- South precinct in, collector of taxes to be chosen in, ... 87

TOWNS — continued.**Hatfield:**

- common lands in, relative to sale of rights in, 367

Holden:

- tax on unimproved lands of non-residents in, relative to, ... 74, 158
- vote of proprietors of, ratified, ... 344

Holliston:

- certain French Neutrals in, to be removed, . 157
- certain French Neutral family in, relative to the care of, ... 132

Hull:

- assessment in, etc., declared valid, . . . 300
- French Neutrals to be transferred to, . . . 386

Ipswich:

- sale of land in, for use of a grammar school, 750

Kingston:

- town-meeting to be called at, ... 177

Lancaster:

- petition of proprietors of sundry farms between, and Narragansett Township Number Two, relative to, ... 295, 381

Leicester:

- assessors in, and District of Spencer, directions to, ... 33, 233
- certain inhabitants of, with their estates, to be annexed to Worcester, ... 7, 93, 208
- French Neutrals in, to be removed, ... 196
- taxes in, relative to, ... 233

Lexington:

- town-meeting to be called at, ... 190

Littleton:

- validity of taxes in, confirmed, ... 491

Lunenburg:

- tax to be assessed upon unimproved lands in, belonging to non-residents, ... 320

Marshfield:

- French Neutrals in, to be removed, ... 191
- mortgage on part of a farm in, to commissioners of £100,000 loan, relative to, . . 17

Medfield:

- county tax in, portion of, to be refunded, . 665

Medway:

- fine remitted to, ... 635

Mendon:

- Quakers in, relative to taxes assessed on, . 676

Methuen:

- French Neutrals to be removed from, . . . 499

Middleborough:

- Indians in, guardians of, re-elected, . . . 241

Middleton:

- French Neutrals to be transferred to, . . . 117

Milton:

- French Neutrals in, to be removed, ... 226, 386

Needham:

- boundary between Natick and, relative to, . 388
- French Neutrals in, to be removed, ... 116

Newbury:

- certain inhabitants of, with their estates, erected into a parish, ... 748
- Second parish in, certain inhabitants of, with their estates, annexed to the Fourth parish, ... 257
- Second parish in, committee to view, . . . 220

New Castle:

- inhabitants of, to be employed in scouting, pay and subsistence allowed, ... 347

Northampton:

- taxes to be deducted from District of Southampton and added to, ... 79

TOWNS — *continued.*

Northfield:	
pay and subsistence allowed men at, . . .	211
North Yarmouth:	
boundary between New Marblehead, Fal-	
mouth and, ...	677
Pembroke:	
certain Indians at Mattakeeset in, impowered	
to build a house, ...	70
Indians in, guardians of, re-elected, . . .	241
Plymouth:	
petition of Thomas Foster in, relative to fish-	
ing for alewives, referred, ...	155
Providence, Rhode Island:	
women and children brought from, relative	
to, ...	295, 297
Provincetown:	
allowance to, for support of the ministry, 77, 613	
inhabitants of, to be exempt from impress-	
ment, ...	11
Raynham:	
fine remitted to, ...	632
Rehoboth:	
divided into two precincts, ...	248
ministerial lands in, relative to, ...	514
Rochester:	
boundary between Dartmouth and, relative to, 19	
Roxbury:	
lands in, bequeathed for a free school, relative	
to, ...	648
lottery in, relative to tickets in, ...	682
selectmen of, allowance to, for sickness and	
funeral expenses of a stranger, ...	242
town-meeting to be called at, ...	347
Rumford:	
petition of proprietors of, relative to the pos-	
session of their lands, report of commit-	
tee on, ...	639
Rutland:	
East wing of, petition of inhabitants of, and	
of sundry farms to be incorporated into	
a town, ...	295, 381
assessors of, impowered to assess the inhabi-	
tants of District of Prince Town, ...	584
Province tax in, directions relative to, . .	671
Sandwich:	
Indians in, guardians of, re-elected, . . .	241
Scarborough:	
divided into two parishes, ...	276
Sheffield:	
certain family, with his estate annexed to, .	699
certain inhabitants of lands west of, annexed	
to Sheffield, ...	450
expenses for conveying prisoners from, al-	
lowed, ...	132
hospital at, allowance to Anthony Austin for	
expenses incurred by sickness of son at, 23	
Sherborn:	
French Neutral family in, to be removed, .	78
Sherburn (Nantucket):	
taxes in, assessments of, for the year 1756,	
confirmed, ...	175
Southborough:	
fine remitted to, ...	638
French Neutral family to be transferred to, .	78
Springfield:	
certain inhabitants of, with their estates,	
erected into a precinct, ...	95
jail in, expenses for conveying prisoners to,	
allowed, ...	132

TOWNS — *continued.*

Stockbridge:	
fort at, allowance to several persons for	
building, ...	458
garrison at, usual establishment allowed for, 357	
Indian proprietors of, impowered to execute	
a deed, ...	696
pay and subsistence allowed men at, . . .	211
Stoughton:	
French Neutrals to be transferred to, . . .	116
selectmen of, impowered to sell land, . . .	732
Sunderland:	
roads laid out from Deerfield to, relative to, 388,	
472, 473	
Sutton:	
certain family, with his estate, annexed to, 10, 65	
Swansea:	
abatement of taxes in, ...	521
Taunton:	
abatement of taxes in, ...	521
inhabitants of, impowered to sell land laid	
out for a school, ...	496
Townsend:	
fine remitted to, ...	473
Upton:	
constable in, choice of, confirmed, ...	686
Uxbridge:	
fine remitted to, ...	643
Quakers in, relative to taxes assessed on, 670, 676	
Watertown:	
town-meeting to be called at, ...	318
Wells:	
boundary of lots in, relative to report of	
referees on, ...	616, 663, 749
Westborough:	
highway in, relative to, ...	749
votes of inhabitants of, confirmed, ...	678
Weston:	
officers of, validity of acts of, confirmed, .	570
Woburn:	
First and Third parishes in, to be reunited, 338	
Worcester:	
and District of Charlton, assessors in, direc-	
tions to, ...	233
certain inhabitants of Leicester, with their	
estates, annexed to, ...	7, 93, 208
Wrentham:	
French Neutrals to be transferred to, . . .	116, 226
Yarmouth:	
Indians in, guardians of, re-elected, . . .	241
and districts:	
assessors in, to defer the valuation of es-	
tates, ...	57
selectmen of, to provide for soldiers sick with	
small-pox, ...	62
complaints of French Neutrals in sundry, rela-	
tive to, ...	125
French Neutrals in:	
lists of, to be returned to office of Secre-	
tary, ...	404, 417
more time allowed to make lists of, ...	480
in Essex County:	
distribution of French Neutrals in, relative	
to, ...	737
in Middlesex County:	
distribution of French Neutrals in, relative	
to, ...	766
in Suffolk County:	
distribution of French Neutrals in, relative	
to, ...	698

TOWNS — continued.

in Worcester County:
 distribution of French Neutrals in, relative
 to, ... 574, 697, 760
 in the several counties, relative to the appor-
 tionment of French Neutrals in, . . . 530, 553
 lists of valuation of estates to be returned to the
 several, ... 32
 Quakers in the several, relative to tax on, . 491

TOWNSEND, Town of.

fine remitted to, ... 473

TOWNSHIPS OR PLANTATIONS.**Broadbay (Waldoborough, Maine):**

inhabitants of, to be supplied with Indian
 corn, ... 50
 inhabitants serving at, subsistence allowed, 18
 pay and subsistence allowed men at, 211, 328, 512

Charlemont:

Hawk's garrison at, relative to, 48, 143, 211, 232,
 328, 522
 Rice's garrison at, relative to, 48, 98, 211, 232,
 328, 522
 Taylor's garrison at, relative to, 48, 143, 211, 232,
 328, 522

Colrain:

garrison at, establishment of, ... 522
 Morrison's garrison at, relative to, . . . 232
 pay and subsistence allowed men at, 143, 211, 328

East Hoosac:

establishment of forces at, relative to, . . . 522

Falltown:

Burk's garrison at, relative to, 143, 211, 232, 328,
 522
 Sheldon's garrison at, relative to, 143, 211, 232,
 328, 522

Frankfort:

pay and subsistence allowed men at, . . . 211, 328

Huntstown:

pay and subsistence allowed men at, . . . 211, 328

Ipswich-Canada:

house-lot in, Elisabeth Martin, administratrix,
 impowered to execute deed of one-third
 part of, ... 438

Lebanon:

inhabitants of, to serve as soldiers, . . . 50
 pay and subsistence allowed men at, 211, 328, 513

Medumcook:

pay and subsistence allowed men at, 211, 328, 513

Narragansett, Number One (Buxton, Me.):

inhabitants of, to serve as soldiers, . . . 50
 pay and subsistence allowed men at, 211, 328,
 513

Narragansett, Number Two (Westminster):

inhabitants of, to be erected into a town or
 district, etc., petition of, ... 397
 petition of proprietors of sundry farms be-
 tween Lancaster and, relative to, . 295, 381

Natick:

boundary between, and Needham, relative to, 388
 grist-mill in, relative to, ... 507
 meeting-house in, relative to the moving of, . 725

New Gloucester:

pay and subsistence allowed men at, 211, 328, 513

New Marblehead:

boundary between, and the towns of Fal-
 mouth and North Yarmouth, relative
 to, ... 677
 pay and subsistence allowed men at, . 211, 328
 petition of inhabitants of, relative to a tax,
 etc., ... 393

**TOWNSHIPS OR PLANTATIONS — con-
 tinued.****Payquage:**

proprietors of, new record to be made of the
 proceedings of, ... 597
 relative to rights to lands in, ... 108, 351

**Pearson and Hobbstown (Pearsonstown, Stand-
 ish, Maine):**

inhabitants of, to serve as soldiers, . . . 50
 pay and subsistence allowed men at, 211, 328, 513

Phillipstown:

inhabitants of, to serve as soldiers, . . . 50
 pay and subsistence allowed men at, 211, 328, 513

Pontoosuck:

certain lands South of, confirmed to William
 Lawrence, ... 552
 Goodrich's garrison at, relative to, 48, 211, 328
 Gutteridge's garrison at, relative to, . . . 143
 plat of land between Number Four and, plan
 of, to be recorded, ... 131
 Williams' garrison at, relative to, 48, 143, 211,
 328

Pownalborough:

pay and subsistence allowed men at, . . . 513

Roadtown:

taxes in, relative to, ... 172
 town-meeting to be called at, ... 322

Roxbury-Canada:

right in, administratrix of Jesse Smith im-
 powered to execute a deed of a, . . . 416

West Hoosac:**blockhouse at:**

ammunition to be sent to, ... 60
 inhabitants to serve as soldiers at, . . . 143
 pay and subsistence allowed men at, . 48, 211,
 328, 405

provisions deposited at, Commissary Gen-
 eral to contract for, ... 56
 establishment of forces at, relative to, . 232, 522
 powder and lead for defence of, allowance to
 Isaac Searl for, ... 167

in Hampshire County:

relative to sale of two, ... 553
 petition for, on Penobscot Bay or River, . 430

TRADE.**Indian truck-trade:**

accounts of Commissary General, John Wheel-
 wright on:
 allowed, ... 442
 report of committee on, ... 377, 378
 at Fort Halifax, bill to be brought in pro-
 viding for, ... 691
 at Fort Pownall, bill to be brought in pro-
 viding for, ... 691

TRANSPORTATION.

allowance to Gov. Pownall for, ... 54
 of baggage of forces under the Earl of Loudoun,
 relative to, ... 29
 of baggage of soldiers, relative to, . . . 553
 of cattle, etc., vessels to be impressed for, . 408
 of troops, for Canada expedition, relative to, . 199

TRANSPORTS.

to be taken up for transportation of soldiers,
 baggage, etc., ... 296

TRAVELLING EXPENSES.

allowance for, in attending House of Repre-
 sentatives as witnesses:
 to David Bennet, ... 261
 to John Stackpole, ... 260
 allowed witnesses against Col. Thomas Gilbert, 480

TREASURER.

of the feoffees in trust for the grammar school
in Ipswich, impowered to sell land for
the use of, ... 750

TREASURER, COUNTY.

Barnstable County:
accounts allowed, ... 58, 243, 436, 627
Bristol County:
accounts allowed, ... 84, 256, 406, 628
County of Dukes County, accounts allowed, . 399
Essex County:
accounts allowed, ... 376 *bis*, 601
appointment of, ... 614
Middlesex County:
accounts allowed, ... 14, 235, 376, 744
Plymouth County:
accounts allowed, ... 72, 236, 397, 572
Suffolk County:
accounts allowed, ... 64, 229, 406
Joshua Henshaw impowered to act as, . . 104
Worcester County:
accounts allowed, ... 10, 224, 371, 573
York County:
accounts allowed, ... 57, 224, 398, 616

TREASURER, PROVINCE.

Harrison Gray:
accounts of, relative to, ... 105, 106, 607, 609
allowance to, 128, 133, 265, 278, 474, 479, 651, 690
committee to assist, in borrowing money, . 226
directed to suspend payments on certain
muster-rolls, ... 526, 603, 679
directions to:
relative to families of the Provincial forces
at Louisburg or Nova Scotia, ... 428
relative to issuing warrants against consta-
bles and collectors, ... 699
relative to money received from sale of lot-
tery tickets, ... 399
relative to paying seamen, etc., in the late
Canada expedition, ... 443
relative to the amount received from Gen.
Abercrombie, ... 323
relative to the bequest of Sir Peter Warren, 60
relative to the fund of £15,200, ... 41
discharged of amount of government securi-
ties burned, 44, 147, 229, 242, 401, 623, 624
impowered to administer the oath to soldiers
relative to the return of their arms, . 166
time extended for, to pay seamen, . . . 569
to add a certain sum to Province tax in Deer-
field, ... 104
to borrow £15,200, ... 67
to cancel bond of Nathaniel Ray Thomas, . 191
to deliver accounts of support of French Neu-
trals, to agents of Gov. Lawrence, . 142
to demand and receive the Province part of
seizures, ... 743
to exchange Province bills of credit for certain
persons, ... 76, 153, 165, 172
to indorse certain bills to the chairman of the
committee of war, ... 53
to pay accounts of taverners for billeting sol-
diers, ... 137
to pay a certain amount to Sarah Kilpatrick
widow of James Kilpatrick, ... 466
to pay a certain sum in lieu of treasury notes
destroyed by fire, ... 685, 692
to pay balance due Isaac Little on mortgage, 32
to pay billeting account of Hezekiah Whit-
comb to his heirs, ... 223

TREASURER, PROVINCE — continued.

Harrison Gray — *continued.*

to pay bounty to administrator of George
Hanners, ... 762
to pay bounty to Benoni Graves, ... 370
to pay Dr. Cast for medical services, . . . 634
to pay draft of Gov. Fauquier of Virginia, . 760
to pay Joshua Edwards part of his wages, . 739
to pay half-pay of soldiers:
to Daniel Brewer, ... 42
to Boaz Brown, ... 34
to William Eaton, ... 15
to Ruth Holden widow of Justinian Holden, 30
to William King, ... 31
to Nathan Page, ... 34
to Solomon Whitney, ... 42
to pay Dr. Jeremiah Hall for his services, . 481
to pay Benjamin Loomis for sickness expenses
of his son, a soldier, ... 762
to pay one half of the wages due soldiers in
captivity, to their families, ... 191
to pay one month's advance wages to officers
of the Province ship and snow, ... 12
to pay sum stopped out of wages of soldiers:
to Joseph Bailey, ... 92
to Joseph Chamberlain, ... 58
to Nathaniel Davidson for servant, . . . 138
to Angus Fletcher, ... 35
to Peter Fletcher, ... 92
to Jonathan Foster, ... 30
to Capt. Samuel Glover, ... 765
to Hulda Halloway for son, ... 35
to Sylvanus Hemenway, ... 62
to Jonathan Hill for servant, ... 136
to Micah Hoskins, ... 102
to John Huston, ... 49
to Francis Keen, ... 111
to Lawrence Lynch, ... 13
to John Martyn, ... 74
to Silas Matthews, ... 58
to Ebenezer Norcott, ... 169
to Ward Noyes, ... 49
to Josiah Osgood for son, ... 101
to Timothy Page, ... 218
to Mercy Pixley widow of John Pixley, . 13
to Lydia Ramsdell widow of Ephraim
Ramsdell, ... 219
to Charles Rice, ... 16
to Nathaniel Richardson, ... 113
to Samuel Smith, ... 11
to William Snow, ... 149
to Jasher Southworth, ... 47
to Experience Stockwell, administratrix of
Ichabod Stockwell, ... 91
to Oliver Watson, ... 13
to Job Weld, ... 390
to Squier Wheeler, ... 11
to Caleb Wood, ... 124
to Benjamin Woodman, ... 39
to James Woodward, ... 30
to pay two months' wages to Benjamin Cars-
ley for each son, ... 452
to pay wages due:
Robert Blair, ... 19
Thomas Blodget to William Reed, . . . 715
Ebenezer Bly to Moses Leland, ... 22
Seth Bullock, ... 18
certain soldiers to their widows, . . . 709
Abraham Crowley, ... 52
Daniel Druce to James Harrington, . . . 755

TREASURER, PROVINCE — *continued.*Harrison Gray — *continued.*to pay wages due — *continued.*

Joshua Eames, ...	19
Jonathan Fisher, ...	28
Simeon Fisher, ...	739
William Forbush, jr., to Patrick Manning, ...	250
Seth Garey, ...	21
Peter Harvey to his mother, ...	195
Brill Johnson to his widow, ...	356
Zoeth Johnson to administrator of Jabez Beeman, ...	244
Edward McGowen, ...	14
William Middleton, ...	21
Gershom Morse to Uriah Morse, ...	217
Benjamin Pratt to his father, ...	27
Samuel Price, ...	33
seamen to persons holding powers of attorney, ...	469
servant to James Dennison, ...	369
Mayhew Tupper, ...	28
Richard Tynan, ...	215
Jeremy White, ...	215
Amasa Wood to his heirs, ...	18
Thomas Woodward to his brother, ...	244
Benjamin Wright, ...	630
to purchase message and land in Boston for a hospital, ...	493
to put in suit the bonds of delinquent farmers of excise, ...	190
to receive money from the pay-master General and give receipt, ...	596
to remit a certain sum to Agent Bollan, ...	138
to remit a certain sum to Governor of Monte Christo, ...	721
to remit to Rutland a certain part of the Province tax, ...	671
to stay execution against John Sherman, ...	631

TREASURER, PROVINCE — *continued.*Harrison Gray — *continued.*

to stop a certain sum out of wages of Capt.

Joseph Ingersoll and pay same to administrator of Jonathan Hidden, ...	68
to take off stoppage for gun, ...	383
relative to, taking oath and giving bond, ...	255, 470, 662

TREASURY NOTES.

destroyed by fire, allowance for, ...	526, 685, 692
for payment of bounty:	
date of issue of, fixed, ...	495
to be endorsed, ...	331, 483, 570

TRESPASS.

on Province Lands in Hampshire County, relative to, ...	392
---	-----

TRUCK-HOUSES.

at Saco:

pay and subsistence allowed soldiers at, ...	143, 211, 232, 328, 405, 513
--	------------------------------

at St. George's:

pay and subsistence allowed soldiers at, ...	143
on George's River:	
pay and subsistence allowed soldiers at, ...	405
on St. George's River:	
pay and subsistence allowed soldiers at, ...	512

TRUCK-MASTERS.

appointment of, ...	704
---------------------------	-----

TRUSTEES.

for a minor, appointed and impowered to divide or exchange lands, ...	723
of Grafton or Hassanimisco Indians:	
account allowed, ...	10, 217, 369, 570
of the will of Thomas Bell to sell lands in Roxbury bequeathed for a free school, ...	648
surviving, of £100,000 loan, impowered to discharge a mortgage, ...	684

U.

UPTON, Town of.

constable in, choice of, confirmed, ...	686
---	-----

UXBRIDGE, Town of.

fine remitted to, ...	643
Quakers in, relative to taxes assessed on, ...	670, 676

V.

VENUS, Planet of.

transit of, observations of, to be taken, ...	464
---	-----

VESSELS.

impressment of, for transportation of cattle, etc., relative to, ...	408
--	-----

Province Ship:

appropriation for, transfer from appropriation for billeting to, ...	395
William Merret taken captive on, allowance to, ...	548
officers on, one month's advance wages allowed, ...	12
to be equipped, ...	296

Province Ship King George:

Capt. Benjamin Hallowell, jr., commander:	
impressment of seamen for, ...	334, 576
allowance to William Wyer, jr., for services as sailmaker on, ...	156
Rain Curtis on, taken captive, allowance to, ...	462

VESSELS — *continued.*Province Ship King George — *continued.*

enlistment of men for, relative to, ...	745, 751
establishment of allowance of provisions for each man on, ...	158, 316
establishment of men on, sufficient, ...	673
establishment of wages of men on, ...	36, 155, 232, 316, 419, 430, 489
officers and crew of, relative to payment of, etc., ...	114
to go to Great Britain, ...	508
to guard the coast, ...	540
Province sloop to be equipped, ...	296
Province Sloop (Snow) Prince of Wales:	

Capt. Nathaniel Dowse, commander:

allowance to certain sailors, taken captive, while in service on, ...	629 bis, 651, 672, 679 bis, 680, 681, 716, 717 bis, 718, 737, 753
allowance to William Bothaw for wages and disbursements on, ...	471

VESSELS — continued.

Province Sloop (Snow) Prince of Wales — continued.	
proceeds of sale of, to be paid into the treasury, ...	241
report of committee on, ...	238
Province Snow:	
officers on, one month's advance wages, allowed, ...	12
ship Pembroke:	
Ashley Bowen on, allowance to, for services, 544	

VESSELS — continued.

sloop Massachusetts:	
establishment of wages on, ...	71
to be at the services of Prof. Winthrop, ...	764

VICE-ADMIRALTY.

decree of court of, relative to the Province part of seizures, ...	667, 743
--	----------

VICTUALLING.

allowance to John Wright for, soldiers at Fort William Henry, ...	144
---	-----

W.

WARRANT.

for collecting assessment in Hull, declared valid, 300	
--	--

WATERTOWN, Town of.

town-meeting to be called at, ...	318
---	-----

WAYS.

certain highway annexed to District of Palmer, 757	
from Deerfield to Sunderland, relative to, 388, 472	
highway in Westborough, relative to, ...	749

WELLS, Town of.

boundary of lots in, relative to report of referees on, ...	616, 663, 749
---	---------------

WEST HOOSAC, Township of.

blockhouse at:	
ammunition to be sent to, ...	60
inhabitants to serve as soldiers at, ...	143
pay and subsistence allowed men at, 48, 211, 328, 405	

provisions deposited at, Commissary General to contract for, ...	56
establishment of forces at, relative to, ...	232, 522
powder and lead for defence of, allowance to Isaac Searl for, ...	167

WESTBOROUGH, Town of.

highway in, relative to, ...	749
votes of inhabitants of, confirmed, ...	678

WESTERN EXPEDITION.

allowance on account of loss of time, wounds, etc., while in:	
to Samuel Shattuck for son, ...	432
amount stopped out of wages of soldiers in, allowed:	
to James Childs, ...	273
soldiers on their return home from, rate per day allowed, ...	430

WESTERN, FORT.

James Howard, soldier at, allowed pay of a lieutenant, ...	115
soldier in service at, taken captive, allowance to, ...	650

WESTERN FRONTIERS.

allowance to soldiers taken captive while in service on, ...	267
captain of a ranging company on, allowance to, 734	
establishment of forces on, relative to, 28, 48, 67, 143, 211, 232, 270, 328, 370, 522	

WESTMINSTER, District of.

tax to be assessed on lands of non-residents also upon land laid out to Gov. Belcher in, 483, 587	
---	--

WESTON, Town of.

officers of, validity of acts of, confirmed, ...	570
--	-----

WHALE-BOATS.

to be provided for St. Georges, ...	22
---	----

WHALING.

on Billingsgate Point, relative to, ...	159, 276
---	----------

WILLIAM HENRY, FORT.

allowance for victualling soldiers at, ...	144
allowance on account of loss of time, wounds, etc., while in service at:	
to David Thompson, ...	144
allowance to John Martyn for services at, ...	74
forces under Col. Joseph Frye in defence of, two months additional wages allowed, ...	135
militia for the relief of, relative to making up muster-rolls by officers of, ...	141
provisions to be provided for soldiers from, ...	51
soldiers taken captives at or near, allowance to, or for, 59, 224, 259, 262, 280, 314, 315 <i>bis</i> , 358, 359, 435, 438, 457, 467, 485, 506, 539, 666, 673, 720, 738, 753	
soldiers who went for the relief of:	
establishment of pay and subsistence of, ...	218
wages due, allowed, 393, 498, 532, 534, 579, 669, 739	
wages due and subsistence allowed William Harvey, a soldier at, ...	290
wages due Amos Putnam for service at, allowed, ...	139

WILLIAMS' GARRISON.

at Pontosuck:	
relative to, ...	48, 143, 211, 328

WOBURN, Town of.

First and Third parishes in, to be reunited, ...	338
--	-----

WOOD.

firewood, for lighthouse, allowance for, 94, 277, 440, 643	
--	--

WORCESTER COUNTY.

apportionment of French Neutrals in:	
account of expenses of committee on, allowed, ...	697
appointment of committee on, ...	574
committee on, to reapportion same, ...	760
report of committee on, ...	553
collector of excise for, chosen, ...	324, 500, 705
farmers of excise in:	
committee to choose, ...	121, 253, 421, 688
Paul Crocker, appointment of, ...	210
Capt. Edward Harrington, appointment of, ...	8
inferior court and court of general sessions in, adjournment of, ...	260, 461, 686
judge of probate for, impowered to allow more time for entering claims against an insolvent estate, ...	207
justices of court of general sessions in, impowered to grant a license, 194, 274, 441, 529, 717, 747, 752, 761	
justices of inferior court in, impowered in regard to entering actions, ...	48
justices of inferior court in, impowered to try an action, ...	283

WORCESTER COUNTY — *continued.*

soldiers belonging in, returning home, subsistence money allowed, . . . 119, 342
 treasurer of, account allowed, . . 10, 224, 371, 573

WORCESTER, Town of.

and District of Charlton, assessors in, directions to, ... 233

WORCESTER, Town of — *continued.*

certain inhabitants of Leicester, with their estates, annexed to, ... 7, 93, 208

WRENTHAM, Town of.

French Neutrals to be transferred to, . . 116, 226

Y.

YARMOUTH, Town of.

Indians in, guardians of, re-elected, . . . 241

YORK COUNTY.

apportionment of French Neutrals in, report of committee on, ... 553

collector of excise for:

additional allowance to, ... 458
 chosen, ... 324, 500, 705
 impowered to collect the excise, . . . 663
 to discharge Matthew Patten of the amount for duties and excise, ... 627

farmers of excise in:

committee to choose, ... 122, 254, 422, 689
 Capt. Ichabod Goodwin, appointment of, . . 9
 James Sayward, appointment of, . . 170, 397, 453

grant of unappropriated lands in, to Ebenezer

Nichols, ... 160

inferior court and court of general sessions in, adjournment of, ... 100, 706

YORK COUNTY — *continued.*

judge of probate for, impowered to allow more time to commissioners receiving claims against an estate, ... 209

justices of court of general sessions in, directed to provide for two children of John Clark, ... 162

justices of court of general sessions in, impowered to grant a license, ... 111

justices of superior court in, impowered to admit administrators of estate of Brig. Samuel Waldo, in certain law suits, . . 505

justices of superior court in, impowered to hear and try an action, ... 455

soldiers belonging in, returning home, subsistence money allowed, ... 119, 342

superior court of judicature in, adjourned, . . 568

treasurer of, account allowed, . . 57, 224, 398, 616



